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Ohio Collection

THE STATE OF OHIO

General and Local Acts

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-SEVENTH GENERAL ASSEMBLY

At Its Second Regular Session

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 6, 1908

VOLUME XCIX

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GENERAL LAWS

[Senate Bill No. 283.]

AN ACT

To amend section 91 of the Revised Statutes of Ohio as amended April 11, 1888, (85 v. 188, 191), relative to the powers of the governor to pardon convicts or commute or suspend sentence in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 91 of the Revised Statutes of Ohio as amended April 11, 1888 (85 v. 188, 191), be so amended as to read as follows:

Sec. 91. If a convict at any time before the full execution of the sentence be represented to the board of pardons to be insane, or pregnant, they shall inquire into the facts, and if, in their opinion, the facts are such as to require the exercise of executive clemency, they shall so report to the governor, who may, without notice, pardon the convict, or commute the sentence, or suspend its execution for a definite time, or from time to time, as he may deem proper; and the governor, in case of commutation or suspension, may, by his warrant to the proper officer, order the convict to be confined in the penitentiary or jail, or conveyed to an asylum for the insane, or hospital, for treatment. When the purpose has been accomplished for which any sentence has been suspended, the sentence, so far as it has not been executed, shall, at the termination of the suspension, be fully executed.

Pregnancy.

Report to Governor.

Confined or conveyed, where.

SECTION 2. That section 91 of the Revised Statutes of Ohio as amended April 11, 1888 (85 v. 188, 191), is repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed January 8, 1908.
Approved January 8, 1908.

ANDREW L. HARRIS,
Governor.

[House Bill No. 905.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby, appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars ($50,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly; five thousand dollars ($5,000.00) for contingent expenses of the house; three thousand dollars $(3,000.00) for contingent expenses of the senate.

Salaries and mileage.

Contingent expenses.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed January 23, 1908.
Approved January 23, 1908, at 2½ o'clock p. m.
ANDREW L. HARRIS,
Governor.
2G

[Amended House Bill No. 762.]

AN ACT

A bill to further amend section 7 of an act passed October 22, 1902, entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," as amended April 20th, 1904, and to give sectional numberings to the various subsectional parts thereof and to an act supplementary to said section 7, passed April 25, 1904 (97 O. L., 571).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7 of an act passed October 22, 1902, entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith" as amended April 20, 1904, be further amended and that the various sub-sectional parts thereof,

together with an act supplementary to said section 7, passed April 25, 1904, (97 O. L. 571) be given the following sectional numberings, so as to read as follows: Sectional numberings.

Sec. 7. Every city and village shall be a body politic and corporate, which shall have perpetual succession, may use a common seal, sue and be sued, and acquire property by purchase, gift, devise, or appropriation for any municipal purpose authorized by this act or any act amendatory hereof or supplementary hereto, and hold, manage and control the same and make any and all rules and regulations, by ordinance or resolution, that may be required to carry out fully all the provisions of any conveyance, deed or will, in relation to any gift or bequest. All municipal corporations shall have the general powers mentioned herein or in any act amendatory hereof or supplementary hereto and council may provide by ordinance or resolution for the exercise and enforcement of the same. Acquiring property. Rules and regulations.

Sec. 7a. To prevent riot, gambling, noise and disturbance, indecent and disorderly conduct or assemblages, and to preserve the peace and good order, and protect the property of the corporation and its inhabitants. Preserving peace and protecting property.

Sec. 7b. To regulate billiard and pool tables, nine or ten pin alleys or tables, and shooting and ball alleys; and to authorize the destruction of instruments or devices used for the purpose of gambling. Billiards, pool and gambling.

Sec. 7c. To prevent injury or annoyance from anything dangerous, offensive, or unwholesome; to cause any nuisance to be abated; and to regulate and compel the consumption of smoke, and prevent injury and annoyance from the same, and to regulate and prohibit the use of steam whistles. Abatement of nuisance; compel smoke consumption.

Sec. 7d. To suppress and restrain disorderly houses and houses of ill fame, and to provide for the punishment of all lewd and lascivious behavior in the streets and other public places. Houses of ill-fame.

Sec. 7e. To regulate ale, beer, porter houses and shops, and the sale of intoxicating liquors as a beverage. But nothing in this act shall be construed to amend, repeal or in any way affect the provisions of an act entitled, "An act to amend section 4364-20 of the Revised Statutes of Ohio, and to supplement said section by enacting supplementary sections 4364-20a, 4364-20b, 4364-20c, 4364-20d, 4364-20e, 4364-20f, 4364-20g, 4364-20h, and 4364-20i," passed April 3, 1902, (95 O. L. 87). Intoxicating liquors.

Sec. 7f. To regulate taverns and other houses for public entertainment. Taverns.

Sec. 7g. To regulate, by license or otherwise, restrain or prohibit theatrical exhibitions and public shows of whatever name or nature, for which money or other reward is demanded or received; to regulate, by license or otherwise, the business of trafficking in theatrical tickets or other tickets of licensed amusements, by parties not acting as agents of Public shows

School entertainments.

those issuing the same, but public school entertainments, lecture courses and lectures on historic, literary or scientific subjtcts shall not come within the provisions of this section.

Auctioneering.

Sec. *7h.* To regulate auctioneering; and to regulate, license or prohibit the sale at auction of goods, wares and merchandise or of live domestic animals at public auction in the streets or other public places within the corporation; and to regulate, license or prohibit the selling of goods, merchandise or medicines on the streets.

Vehicles.

Sec. *7i.* To regulate the use of carts, drays, wagons, hackney coaches, omnibuses, automobiles, and every description of carriages kept for hire or livery stable purposes; and to license and regulate the use of the streets by persons who use vehicles, or solicit or transact business thereon; to prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public highways; to regulate the transportation of articles through such highways and to prevent injury to such highways from overloaded vehicles, and to regulate the speed of interurban, traction and street railway cars within the corporation.

Fast driving.

Speed of interurban cars.

Sec. *7j.* To regulate, restrain and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, chickens and other fowls and animals, and to impound and hold same, and on notice to the owners, to authorize the sale of the same for the penalty imposed by any ordinance, and the cost and expenses of the proceedings; and to regulate or prohibit the running at large of dogs, and provide against injury and annoyance therefrom, and to authorize the disposition of the same when running at large contrary to the provisions of any ordinance.

Impounding animals.

Dogs.

Sec. *7k.* To regulate the transportation, keeping and sale of gunpowder and other explosives or dangerous combustibles and materials and to provide or license magazines for the same.

Explosives.

Sec. *7l.* To regulate the weighing and measuring of hay, wood and coal and other articles exposed for sale, and to provide for the seizure, forfeiture and destruction of weights and measures, implements and appliances for measuring and weighing which are imperfect or liable to indicate false or inaccurate weight or measure, or which do not conform to the standards established by law and which are known, used or kept to be used for weighing or measuring articles to be purchased, sold or offered or exposed for sale.

Weights and measures.

Sec. *7m.* To regulate the erection of buildings and the sanitary condition thereof, fences, bill boards, signs, and other structures within the corporate limits; to require, regulate and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to name or rename streets, alleys, highways and public places; to regulate the repair of, alteration in and addition to buildings; to provide for the construction, erection and placing of elevators, stairways and fire escapes in and upon buildings; to regulate

Sanitation.

Numbering of buildings.

Fire escapes.

the construction and repair of wires, poles, plants and all equipment to be used for the generation and application of electricity; to provide for the removal and repair of insecure buildings, bill boards, signs and other structures, and to provide for the inspection of all buildings or other structures and for the licensing of house movers, plumbers and sewer tappers and vault cleaners. Inspection.

Sec. 7n. To organize and maintain police and fire departments, erect the necessary buildings and purchase and hold all implements and apparatus required therefor.

Sec. 7o. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs and waterworks, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof, and to apply moneys received as charges for water to the maintenance, construction, enlargement and extension of the works, and to the extinguishment of any indebtedness created therefor; and to establish and maintain municipal lighting, power, and heating plants, and to establish, maintain and operate natural gas plants and to furnish the municipality and the inhabitants thereof with natural gas for heating, lighting and power purposes, and to acquire by purchase, lease or otherwise the necessary lands for such purposes, within and without the municipality. Waterworks. Municipal lighting.

Sec. 7p. To provide for the public health; to secure the inhabitants of the corporation from the evils of contagious, malignant and infectious diseases, and to purchase or lease property or buildings for pest houses and to erect, maintain and regulate pest houses, hospitals and infirmaries. Contagious diseases.

Sec. 7q. To provide public cemeteries and crematories for the burial or incineration of the dead and to regulate public and private cemeteries and crematories.

Sec. 7r. To lay off, establish, plat, grade, open, widen, narrow, straighten, extend, improve, keep in order and repair, light, clean and sprinkle streets, alleys, public grounds, places and buildings, wharves, landings, docks, bridges, viaducts and market places within the corporation, including any portion of any turnpike or plank road therein, surrendered to or condemned by the corporation; to regulate public landings, public wharves, public docks, public piers and public basins, and to fix the rates of landing, wharfage, dockage and the use of the same; and to regulate the planting, trimming and preservation of shade trees in streets, alleys, public grounds and places, and to provide for the planting, removal, trimming and preservation of such trees and other ornamental shrubbery; and to use, or by ordinance grant, for periods not exceeding twenty-five years, the use of its streets, avenues, alleys, lanes and public places, to lay pipes, conduits, manholes, drains and other necessary fixtures and appliances, under the surface thereof, to be used for supplying such municipality and its inhabitants with steam or hot water, or both, for heat or power purposes or both; and to use or grant, for periods not ex- Sprinkling streets, etc. Shade trees. Hot water heating, etc.

ceeding twenty-five years, the use of its streets, avenues, alleys, lanes and public places for the construction of inclined movable or rolling roads, for the conveying or moving of freight, vehicles, animals and other property, and those in charge of the same, upon such terms as the council of such municipal corporation may deem proper; provided, that such municipal corporations shall in all such grants reserve the right to regulate, at intervals of not less than five (5) years, the prices which the grantee or grantees may charge for such heat or power, or for the conveying or moving of such freight, vehicles, animals and other property; and provided, further that no grant for the use of such streets, avenues, alleys, lanes and public places for the construction of such inclined movable or rolling roads shall be made until there is produced to the council of such municipal corporation the written consent of the private property owners of more than two-thirds of the feet front of such lots and lands abutting on the street, avenue, alley, lane or public place, or part thereof, upon or over which it is proposed to construct such inclined movable or rolling road. And that in all municipal corporations which may have heretofore, by ordinance authorized the use by any person or corporation, of the streets, avenues, alleys, lanes and public places of such municipal corporation for the purpose of laying pipes and drains below the surface thereof to convey and supply its inhabitants or the corporation, or both, with heat by means of steam or hot water, or both, such ordinance shall be held as valid and binding as if the power in the corporation to so grant such use of its streets, avenues, alleys, lanes and public places had been expressly provided by statute prior to the passage of such ordinance and in force when the same was passed; provided that the council of any such corporation shall have power to regulate, by ordinance, at intervals of five years the price which such person or company may charge for such heat or power.

Regulation of prices.

Consent of property owners.

Sec. *7s*. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship canal or watercourse located in whole or in part within the corporation, or lying contiguous and adjacent thereto; to open, construct and keep in repair sewage disposal works, sewers, drains and ditches, to license ferries, to regulate the use of public docks and public landings, and to establish, repair and regulate water-closets and privies.

Water courses, sewers, drains, etc.

Sec. *7t*. To establish, erect, maintain and regulate jails, morgues, houses of refuge and correction, workhouses, station houses, prisons and farm schools.

Sec. *7u*. To etablish, erect, maintain, protect and regulate public halls, public buildings and market houses and by and with the consent of the abutting property owner or owners, or their lessee or lessees, to establish, maintain, protect and regulate, a market place or places, upon or on any street, square or public grounds or part thereof, within the municipality; to provide for the inspection of spirits,

Market places.

Inspection.

oils, milk, breadstuffs, meats, fish, cattle, milk cows, sheep, hogs, goats, poultry, game, vegetable and all food products.

Sec. *7v.* To establish, maintain and regulate public baths and bath houses, drinking fountains, water troughs and public toilet stations; and free public band concerts; to establish, maintain and regulate free public libraries and reading rooms, and to purchase books, papers, maps, and manuscripts therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise, and to provide for the rent and compensation for the use of any existing free public libraries established and managed by a private corporation or association organized for that purpose.

Public toilets.

Use of public library.

Sec. *7w.* To provide for the rent and compensation for the use of any existing free public hospital established and managed by a private corporation or association organized for that purpose.

Sec. *7x.* To restrain and prohibit the distribution, sale and exposure for sale of books, papers, pictures and periodicals or advertising matter of an obscene or immoral nature.

Sec. *7y.* To provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals and animal offal and to establish, maintain and regulate plants for the disposal thereof.

Garbage.

Sec. *7z.* To hold and improve public grounds, parks, park entrances and boulevards, to protect and preserve the same and to acquire by purchase, gift, devise, condemnation or otherwise and to hold real estate or any interest therein and other property for the use of the corporation and to sell or lease the same.

Public parks, boulevards, etc.

Sec. *7aa.* To take and authenticate a census of the municipality.

Sec. *7bb.* To require the employment of conductors on all street cars within the corporate limits.

Sec. *7cc.* To make the violation of ordinances a misdemeanor, and to provide for the punishment thereof by fine or imprisonment, or both; provided, that such fine shall not exceed five hundred dollars and such imprisonment shall not exceed six months.

Misdemeanor.

Sec. *7dd.* All municipal corporations shall have the power to regulate and license manufacturers and dealers in explosives; pawnbrokers; chattel mortgage and salary loan brokers; peddlers; public ball rooms, scavengers; intelligence offices; billiard rooms; bowling alleys; livery, sale and boarding stables; dancing or riding academies or schools; race courses; ball grounds, street musicians, second hand dealers and junk shops. In the granting of any license a municipal corporation may exact and receive such sums of money as the council shall deem proper and expedient. In the trial of any action brought under the power of licensing herein given, the fact that any party to such action represented himself or herself as engaged in any business or occupation, for the transaction of which a

Licenses.

license may be required, or as the keeper, proprietor or manager of the thing for which a license may be exacted, or that such party exhibit a sign indicating such business or calling, or such proprietorship or management shall be conclusive evidence of the liability of such party to pay the license therefor.

Conclusive evidence.

Sec. 7*ee*. To establish and furnish the necessary equipment for a municipal department to be known as the department of purchase, construction and repair. Said department shall be under the management and control of the board of public service and through it when so established and said board managing the same shall be made all purchases of material, supplies, tools, machinery and equipment, together with all construction, alterations and repairs of every kind and thing in each of the departments of the municipality whether established by law or ordinance. No purchase, construction, alteration or repair shall be made except, either upon requisition by the board or officer at the head of the department for which the same is to be made or done or upon the order of council; nor shall any purchase, construction, alteration or repair for any of said departments be made or done except on authority of council and under the laws as to competitive bidding if the cost thereof exceeds five hundred dollars.

Department of purchase, construction and repair.

Purchasing power.

Competitive bidding.

SECTION 2. That said section 7 as amended April 20, 1904, is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed January 24, 1908.
Approved January 24, 1908, 2:40 o'clock p. m.

ANDREW L. HARRIS,
Governor.
3G

[Senate Bill No. 381.]

AN ACT

To provide a brief and convenient title for an act therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all acts, resolutions and proceedings relating to an act entitled: "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, or to any

act amendatory thereof or supplementary thereto, the term "Municipal Code of 1902" shall be sufficient designation and title of the said act of October 22, 1902.

Name or title for 1902 code.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed January 28, 1908.
Approved January 30, 1908.

ANDREW L. HARRIS,
Governor.
4G

[House Bill No. 906.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund, and not otherwise appropriated:

ATTORNEY GENERAL.

Salary of attorney general	$471 19
Contingent expenses	650 00

AUDITOR OF STATE.

Salary of auditor of state	$339 04

STATE DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$528 74

OHIO CODIFYING COMMISSION.

Salaries of three commissioners	$1,875 00

COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner	$504 10

SECRETARY OF STATE.

Salary of secretary	$427 84

OHIO STATE LIBRARY.

Salary of librarian	$1,833 33
For traveling library	500 00

STATE TREASURER.

Salary of treasurer	$339 04

OHIO STATE REFORMATORY.

Salaries of managers	$333 36
Construction of cold storage plant and store building combined	4,000 00

COLUMBUS STATE HOSPITAL.

Current expenses	$20,000 00
Ordinary repairs and improvements	2,171 00

DAYTON STATE HOSPITAL.

Ordinary repairs and improvements	$2,144 63

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$15,000 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$15,000 00

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 4, 1908.
Approved February 5, 1908.

ANDREW L. HARRIS,
Governor.

5G

[Senate Bill No. 344.]

AN ACT

Prohibiting the use of intoxicating beverages while aboard any engine, car or train of cars in this state.

Be it enacted by the General Assembly of the State of Ohio:

Drinking intoxicants aboard trains.

SECTION 1. It shall be unlawful for any person to drink whiskey, beer, ale or any other intoxicating beverage while aboard any engine or car or train of cars in this state, propelled by steam or electricity, except in a dining cafe or other car with buffet or cafe attachment.

Exceptions.

SECTION 2. Any one violating the provisions of this act shall be fined not less than five dollars nor more than one hundred dollars for each offense. Fine.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 14, 1908.
Approved February 14, 1908.

ANDREW L. HARRIS,
Governor.
6G

[Amended House Bill No. 748.]

AN ACT

To regulate the establishment, maintenance and inspection of maternity boarding houses and lying-in hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whoever for hire, gain or reward, receives, cares for, or treats within a period of six months, more than one woman during pregnancy, or during or after delivery, except women related by blood or marriage; or whoever for hire, gain or reward has in his custody or control at any one time two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food and lodging, except infants related to him by blood or marriage, shall be deemed to maintain a maternity boarding house or lying-in hospital. Provided, however, that nothing herein shall be construed to prevent a nurse from practicing her profession under the care of a physician in the home of a patient, or in a regular hospital other than a lying-in hospital. Definition of maternity boarding house or lying-in hospital. Nurses.

SECTION 2. The state board of health shall have the power to grant licenses to maintain maternity boarding houses and lying-in hospitals. Every application therefor shall first be approved by the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is to be maintained. Such license shall be granted for a term not exceeding one year, shall state the name of the licensee, the particular premises in which the business may be carried on, the number of women and infants that may be boarded, treated or maintained there at any one time, and, if required by the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is located, it shall be posted in a conspicuous place on the licensed premises. No greater number of women and infants shall be kept at one time on Licenses.

the premises than is authorized by the license and no women or infants shall be kept in a building or place not designated in the license. A record of license issued shall be kept by the state board of health, which shall forthwith give notice to the board of health of the city, village or township in which the licensee resides of the granting of such license and of the terms thereof. The state board of health and the board of health of cities, villages or townships shall annually, and may, at any time visit and inspect or designate a person to visit and inspect premises so licensed.

Limit of number.

Inspection.

SECTION 3. The state board of health may revoke such license in its discretion where any provision of this act is violated, or in any case where in the opinion of the state board of health such maternity boarding house or lying-in hospital is being maintained without regard to the health, comfort or morality of the inmates thereof, or without due regard to sanitation and hygiene. The state board of health shall note such revocation upon the face of the record thereof and shall give written notice of such revocation to the licensee by delivering the notice to him in person or by leaving it on the licensed premises, and shall forthwith notify the board of health of such city, village or township in which such maternity boarding house or lying-in hospital is situated.

Revocation of license.

SECTION 4. Every birth which takes place in such maternity boarding house or lying-in hospital shall be attended by a legally qualified physician who shall forthwith report the fact of such birth to the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is located.

Reporting births.

SECTION 5. Every person holding such license shall keep a record in a form to be prescribed by the state board of health wherein he shall enter the name and address of the physician who attended at any birth which may take place in such house or hospital, or any infant who may be sick, and the name, age and sex of all children born on the premises or brought thereto, and also the name and age of every child who is given out, adopted, or taken away to or by any person, together with the name and residence of the person so adopting or taking away such children; and within twenty-four hours after such child is given out or taken away, shall cause a correct copy of the record relating thereto to be sent to the board of health of the city, village or township wherein such house or hospital is located.

Adopting children.

SECTION 6. Every person licensed as aforesaid, shall immediately after the death of any inmate of such boarding house or lying-in hospital, whether a woman or an infant born therein or brought thereto, cause notice thereof to be given to the board of health of the city, village or township in which such house or hospital is located, and such board of health shall immediately call the coroner of the county in which said person died to hold an inquest on

Coroner's inquest.

the body of such person, unless a certificate under the hand of a legally qualified physician is produced to said board of health by the licensee that such physician had personally attended and examined the person so dying, and also specifying the cause of death, and said board of health is satisfied that there is no ground for holding an inquest.

SECTION 7. Every licensee shall be entitled to receive gratuitously from the state board of health a book of forms for the registration and record of persons received into such home or hospital. The book shall contain a printed copy of this act.

SECTION 8. It shall be lawful for the officers and authorized agents of the state board of health and the boards of health of the cities, villages or townships in which such licensed premises are located to inspect such house or hospital at any time and examine every part thereof, and to call for and examine the records which are required to be kept by the provisions of this act, and to inquire into all matters concerning such house or hospital and the inmates thereof, and it shall be the duty of the licensee to give all reasonable information to such persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises and seeing the inmates thereof.

Inspection.

SECTION 9. No child under two years of age, whether inmate of such house or hospital, or born therein or brought thereto, or otherwise, shall be given out for adoption, except by and with the consent of a charitable organization, society or institution having the care of children under its control duly incorporated under the laws of the state of Ohio, or juvenile court.

Children under two years of age.

SECTION 10. No parent or guardian shall give to any person an infant under two years of age for the purpose of placing it for hire, gain or reward under the permanent care and control of another person; and no person, for hire, gain or reward, shall receive such infant for the purpose of placing it under the permanent care and control of another. The provisions of this section shall not apply to any charitable organization, society or institution, incorporated under the laws of the state of Ohio, or any of the officers or agents thereof.

Placing child for hire, gain or reward.

SECTION 11. No officer or authorized agent of the state board of health or the boards of health of the cities, villages or townships where such licensed homes or hospitals are located, or any keeper of such house or hospital, shall divulge or disclose the contents of the records, or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest or before some other competent tribunal, or, in the case of such officer or authorized agent or keeper of such house or hospital for the information of the state board of health or the board of health of the city, village or township in which said house or hospital is located.

Secrecy of records.

Offering inducements.

SECTION 12. It shall be unlawful for any person licensed as herein provided, to advertise that he will adopt children, or to hold out inducements to parents to part with their offspring; and when such children are transferred by their parents, or are given out for adoption to other persons, such transfer shall be with the knowledge and consent of a charitable organization, society or institution, duly incorporated under the laws of the state of Ohio, or juvenile court.

License.

SECTION 13. No person shall maintain a maternity boarding house or lying-in hospital, as defined in section 1 of this act, unless licensed thereto by the state board of health.

Relationship.

SECTION 14. In any prosecution under the provisions of this act, a defendant who relies for defense upon the relationship of any of said women or infants to himself, shall have the burden of proof thereof.

Fine.

SECTION 15. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than three hundred ($300) dollars or by imprisonment for not more than one year, or both.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 17, 1908.
Approved February 18, 1908.

ANDREW L. HARRIS,
Governor.
7G

[Amended House Bill No. 778.]

AN ACT

To amend section 2926*v* of the Revised Statutes of Ohio relating to registration for special elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2926*v* of the Revised Statutes of Ohio relating to registration for special elections be amended so as to read as follows:

Sec. 2926*v*. The preceding provisions shall extend to any special election authorized by law to be held in any registration city, as follows:

Obtain last registers.

1. There shall be no general registration as provided in section 2926*h* and 2926*i*, but on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last registers made by them

from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors between the hours herein directed for the purpose, and receive applications for registration by such qualified electors residing therein as are not already registered, and if qualified shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration, and they shall deliver certificates of cancellation to any registered elector who is not the head of a family, and who may apply to them to cancel his registration on account of his removal from the precinct in which he was registered to another precinct, and they shall receive such certificate from any elector presenting the same and allow him to register, if he be otherwise qualified, in the precinct to which he has removed; provided that on the day of election he will be an actual resident in such ward for twenty days immediately preceding such election; and they shall receive affidavits of sick and disabled electors, as required in section 2926*i*, and on such days and at their meeting on the evening preceding such election, which shall be held between the hours of five and seven o'clock in the afternoon, they shall also perform the same duties prescribed in section 2926*m*. The board of deputy state supervisors may, during the week previous to such election, issue orders for registration, which orders, if presented at the meeting for organization, held the evening before such election, shall be received by the registrars and be disposed of as required in section 2926*m*. And any additions or changes then entered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully compared with the registers and with each other shall be produced by them, together with the registers of such precincts at the opening of the polls on the day of election, and then be used, applied and disposed of by the judges in all respects as directed in section 2926*o*.

Place of meeting.

Electors not already registered.

Certificates of cancellation.

Removal from one precinct to another.

Residence of twenty days.

Orders for registration.

Board of judges.

2. At seven o'clock in the evening preceding any such election the registrars for each and every precinct, and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926*n* and in the manner therein directed.

3. The poll-book required by section 2926*r* to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed and delivered by them to the auditor of such city.

4. The board of canvassers of elections in each such city shall be composed of the board of deputy state supervisors and the city auditor of such city. Within four days after such election in such city, the said "board of canvassers" shall meet at the office of the board of deputy state supervisors at ten o'clock in the forenoon, at the call of the chief deputy state supervisor, and organize by elect-

Board of canvassers.

ing a chairman and secretary; the returns received by the city auditor shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926r and by law.

New ward.

5. Whenever a new ward has been created, or the boundaries of any ward or the precincts have been changed after the general registration, and before any special election following, it shall be the duty of the board of deputy state supervisors to appoint election officers, rearrange the voting precincts, provide for registration of electors not already registered, make new registers, and certify the registration of registered electors whose voting precinct has been changed and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters.

Error in certified lists.

6. If the board of deputy state supervisors of elections, or boards of deputy state supervisors and inspectors of election as the case may be, is of the opinion that it is unnecessary to require the registrars of each precinct to attend in each precinct for the registration of voters for a special election, such board may make such other reasonable provisions for transfers and the registration of voters at such election, as it deems proper.

Other reasonable provisions.

SECTION 2. That said original section 2926v of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 19, 1908.

Approved February 19, 1908.

ANDREW L. HARRIS,
Governor.

8G

[House Bill No. 1200.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby, appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars ($50,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employees of the general assembly;

General Assembly.

three thousand dollars ($3,000.00) for contingent expenses of the house; one thousand dollars ($1,000.00) for contingent expenses of the senate.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26 ,1908.

ANDREW L. HARRIS,
Governor.
9G

[Amended House Bill No. 378.]

AN ACT

To provide for furnishing antitoxin to persons in indigent circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever any physician, regularly authorized to practice medicine under the laws of Ohio, shall be called upon to treat any person suffering from diphtheria who is in indigent circumstances or any child suffering from diphtheria whose parents are in indigent circumstances, and in the opinion of said attending physician antitoxin should be administered to said person or child or to others who may have been exposed to the contagion of said disease, said physician may make application to any health officer within the county who, when he shall be satisfied of the indigent circumstances of the persons to be treated, shall certify the same to the county commissioners and shall also immediately authorize the attending physician or any druggist to furnish said antitoxin for the persons so to be treated, and the antitoxin so furnished shall be paid for upon the allowance of the county commissioners out of the general fund of the county.

Application to health officers.

Certificate to commissioners.

How paid for.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908, 11:15 a. m.

ANDREW L. HARRIS,
Governor.
10G

[Amended Senate Bill No. 293.]

AN ACT

To protect employers of stenographers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any person employed as a stenographer who shall furnish to any person other than his employer, without the consent of such employer, a transcript or copy of all or any portion of any matter taken by him while so employed, or shall read to or permit to be read by, any person other than his employer without said employer's consent, all or any portion of any matter so taken by him while so employed, or without such consent shall disclose any such matter so taken, or the purport thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned not more than six months or both, provided that this act shall not apply when the person so employed is called as a witness and is directed to testify by a proper court as to matters within his employment.

Transcript or copy.

Consent.

Exception.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
11G

[Amended House Bill No. 831.]

AN ACT

To provide for a better means of investing funds arising from the sale of entailed estates by amending section 5809 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5809 of the Revised Statutes be amended to read as follows:

Section 5809. Money arising from such sales shall, under the direction and approval of the court, be invested in the certificates of the funded debt of this state or bonds of any political sub-division thereof, or of the United States, or in bonds or notes secured by mortgage on unincumbered real estate situate in the proper county, of double the value of money secured thereby, but the buildings thereon, if any, shall be well insured against loss by fire and so kept by the

How invested.

Insurance.

mortgagor for the benefit of the mortagee, until the debt is paid, and on failure so to do the mortgagor shall do the same and the expense of the insurance to the mortgagee shall be repaid by the mortgagor and be a lien on the property concurrent with the mortgage; or the court may order the same to be re-invested in other real estate within this state, under such restrictions as it may prescribe, which investments shall be reported to the court, and subject to its approval and confirmation; the real estate in which the money is re-invested shall, for purposes of descent, succession, reversion, or remainder, have the same character and be governed by the same principles, as the estate sold, and shall pass according to the terms of the deed, will, or other instrument creating the estate sold; the court shall appoint competent trustees to invest the money, and manage the same, who shall, from time to time, report to the court their proceedings, and the condition of the fund; and the court shall require of such trustees security for the faithful discharge of their duty; may, from time to time, require additional security; may remove such trustees for cause, or reasonable apprehension thereof; and may accept the resignation of a trustee, and fill a vacancy by a new appointment.

Trustees.

Fill vacancy.

SECTION 2. That said section 5809 is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
12G

[House Bill No. 727.]

AN ACT

In relation to the safety, competency and the employment of coal miners, and to punish for infraction of the same.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That every person desiring to work by himself as a miner in the coal mines of this state shall first produce satisfactory evidence to the mine boss of the mine in which he is employed, or desires to be employed, that he has worked at least one year with, or as a practical coal miner. Until said applicant has so satisfied the mine boss of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal unless

Practical miner.

Qualification.

accompanied by some competent coal miner, until he becomes duly qualified; provided that this act shall only apply to mines generating fire damp, gas or combustible matter.

Misdemeanor.

SECTION 2. Any person violating section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction be fined, not more than two hundred dollars, nor less than twenty-five dollars, at the discretion of the court.

SECTION 3. That an act entitled "An act in relation to the safety, competency and employment of coal miners, and to punish for infraction of the same," passed April 2, 1906, is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
13G

[House Bill No. 913.]

AN ACT

Providing for the care and protection of the memorial at Fort Meigs.

WHEREAS, The state of Ohio has acquired the ground upon which Fort Meigs was located, and in recognition of the historical importance of said property, has erected a memorial thereon, and,

WHEREAS, It will be necessary to appoint a commission to care for and protect said memorial and grounds; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Commission of five.

SECTION 1. That a commission of five citizens of the state of Ohio be appointed by the governor of the state to care for, protect and control the memorial and property of the state of Ohio at Fort Meigs, and any other historic grounds or property adjacent thereto, which may hereafter be acquired by the state of Ohio.

Term, five years.

SECTION 2. Said commission shall be appointed for terms of five years, excepting that the members first appointed under the provisions of this act shall be appointed for terms of one, two, three, four and five years, respectively.

Compensation.

Said commission shall serve without compensation.

SECTION 3. Such commission shall have the entire management and control of said memorial and grounds, and of all improvements thereon, including the location

and erection of all memorials upon such property; the maintenance, improvement and protection thereof, and the expenditure of all moneys hereafter appropriated therefor. Erection of memorials.

And for the purpose of carrying these powers into effect, said commission may adopt such rules and regulations governing the use, protection, improvement and management of said property as may be necessary. Rules and regulations.

SECTION 4. Said commission shall make such report to the governor of the state as the governor may from time to time call for.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
14G

[Amended House Bill No. 719.]

AN ACT

To prevent the corruption of elections and political parties by corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That no corporation doing business in this state shall directly or indirectly pay, use or offer, consent or agree to pay or use, any of its money or property for, or in aid, of any political party, committee or organization, or for, or in aid of, any candidate for political office or for nomination for any such office, or in any manner use any of its money or property for any political purpose whatever, or for the reimbursement or indemnification of any person or persons for moneys or property so used. Use of money for political purposes, prohibited.

SECTION 2. Every corporation for profit doing business in this state, except corporations required by law to file annual report with the auditor of state or the superintendent of insurance, shall annually during the month of May, if it be a domestic corporation, and during the month of September, if it be a foreign corporation, file with the secretary of state in such form as the secretary of state shall prescribe, an affidavit subscribed and sworn to by an officer having knowledge of the facts therein set forth, setting forth that such corporation has not directly or indirectly during the preceding year paid or contributed to the funds of any political organization, committee or candidate, or used its money or property in violation of section 1 of this act. Such forms of affidavits as the secretary shall pre- Affidavit.

scribe shall be attached to or made part of the report required to be made of such corporation under an act entitled, "An act to require corporations to file annual reports with the secretary of state and to pay annual fee therefor," passed April 2, 1902. Corporations required by law to file annual reports with the auditor of state or the superintendent of insurance shall file with the said officers similar affidavits in such form as, the auditor of state or the commissioner of insurance shall prescribe. The form of affidavit presented by the said officer shall be attached to or made part of the report required to be made of such corporation under existing laws. Such affidavit shall be made at the time at which such reports are required to be made.

Corporations filing annual reports with auditor and superintendent of insurance.

Violations.

SECTION 3. Every corporation which violates section 1 of this act shall be punished by a fine of not more than five thousand nor less than five hundred dollars. Every corporation for profit which violates section 2 of this act shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars. Any officer, stockholder, attorney, or agent of any corporation which violates section 1 of this act who participates in, aids or advises any such violation, and any person who solicits or knowingly receives any money or property in violation of this act shall be punished by imprisonment for not more than one year or a fine of not more than one thousand dollars, or both at the discretion of the court.

Penalty

Competent witness.

A person offending against this act is a competent witness against another person so offending, and may be compelled to attend and testify on any trial, hearing or proceeding or investigation in the same manner as any other person. The testimony given shall not be used in any prosecution or proceeding, civil or criminal, against the person testifying. Any such person testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such an indictment or prosecution.

Witness not liable to prosecution.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.

15G

[Amended House Bill No. 673.]

AN ACT

To qualify the liability of railroad companies for injuries to their employes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Every railroad company operating any railroad which is in whole or in part within this state shall be liable for all damages sustained by any of its employes by reason of personal injury or death of such employe:

1. When such injury or death is caused by a defect in any locomotive, engine, car, hand-car, rail, track, machinery or appliance required by such company to be used by its employes in and about the business of their employment, if such defect could have been discovered by reasonable and proper care, tests or inspection; and proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company; and any such employe of such railroad company who may be injured or killed as a result of any such defect, shall not be deemed to have assumed the risk occasioned by such defect, although continuing in the employment of such railroad company after knowledge of such defect; nor shall continuance in employment after such knowledge by any employe be deemed an act of contributory negligence.

Presumptive evidence.

Continuance in employment not contributory negligence.

2. While any such employe is engaged in operating, running, riding upon or switching passenger, freight or other trains, engines or cars, and while engaged in the performance of his duties as such employe, and when such injury shall have been caused by the carelessness or negligence of any other employe, officer or agent of such company, in the discharge of or for failure to discharge his duties as such.

Carelessness or negligence.

SECTION 2. That in all actions hereafter brought against any railroad company operating any railroad in whole or in part within this state, for personal injury to an employe or where such injuries have resulted in his death, the fact that the employe may have been guilty of contributory negligence, shall not bar a recovery where his contributory negligence was slight and that of the employer was greater in comparison. But the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employe. All questions of negligence and contributory negligence shall be for the jury.

Slight contributory negligence no bar to recovery.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.

[House Bill No. 806.]

AN ACT

To amend section 1535 of the Revised Statutes, fixing the compensation of assessors of personal property.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1535 of the Revised Statutes be amended so as to read as follows:

Compensation.

Detailed account.

When warrant to be drawn.

Statistics.

Sec. 1535. Each assessor shall be paid, out of the county treasury, three dollars per day for the time during which he is necessarily engaged in the performance of his duties; and he shall make out an account in detail, giving the date of each day on which he was thus engaged, and verify the same by oath, which the county auditor is authorized to administer; and if the auditor is satisfied that such account is correct, he shall draw his warrant on the county treasurer for the amount thereof; but in no case shall such warrant be drawn until the assessor has filed with the auditor his list of assessments, accurately made out, and the statements returned to him, and the books on which the original assessments were made; nor until the assessor has filed with the auditor the statistics and enumeration required of him by law, and the auditor is satisfied that the same are as full and accurate as could be made.

SECTION 2. That original section 1535 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.

17G

[Amended House Bill No. 809.]

AN ACT

To amend section 1300 of the Revised Statutes, relative to compensation of appraisers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1300 of the Revised Statutes be amended to read as follows:

Sec. 1300. Persons employed as commissioners to make partition of lands, or to assign dower, shall, for the

time so engaged, and in going and returning, receive two dollars per day, but if the lands lie in more than one county they shall be entitled to two dollars and fifty cents per day; and persons called by an officer to appraise real or personal property on execution, replevin, or attachment, or to fix the value of exempted property, shall receive one dollar per day, except as otherwise specially provided. Compensation. In attachment, etc., compensation.

SECTION 2. That said section 1300 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.
18G

[Amended House Bill No. 810.]

AN ACT

To amend section 6045 of the Revised Statutes, relative to compensation of appraisers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6045 of the Revised Statutes be amended to read as follows:

Sec. 6045. The appraisers shall each receive two dollars per day, or such amount as the probate judge may allow for their services. Compensation.

SECTION 2. That section 6045 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.
19G

[Amended House Bill No. 931.]

AN ACT

To amend sections 1 and 2 of an act entitled, "An act to prevent the adulteration of vinegar," passed April 14th, 1888, as amended, March 30th, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act entitled, "An act to prevent the adulteration of vinegar," passed April 14th, 1888, as amended, March 30th, 1896, be amended so as to read as follows:

Sec. 1. That no person shall manufacture for sale, offer, or expose for sale; sell or deliver, or have in his possession with intent to sell or deliver, any vinegar not in compliance with the provisions of this act. Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered, or in the possession of any person with intent to sell or deliver, under the name of cider vinegar, or apple vinegar, or any compounding of the word "cider" or "apple" as the name or part of the name of any vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, shall contain no foreign substance, drugs or acids, is laevo-rotatory, and shall contain not less than four (4) grams of acetic acid, not less than 1.6 grams of apple solids, of which not more than fifty (50) per cent. are reducing sugars, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred cubic centimeters (at a temperature of twenty [20] degrees centigrade); and the water-soluble ash from one hundred (100) cubic centimeters (at a temperature of twenty [20] degrees centigrade) of the vinegar shall contain not less than ten (10) milligrams of phosphoric acid (P_2O_5), and which shall require not less than thirty (30) cubic centimeters of decinormal acid to neutralize its alkalinity.

Cider or apple vinegar.

Shall contain no foreign substance.

Acetic acid.

Solids.

Apple ash.

Alkalinity.

(2). Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of wine vinegar, or grape vinegar, shall be the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes, and shall contain, in one hundred (100) cubic centimeters (at a temperature of twenty [20] degrees centigrade), not less than four (4) grams of acetic acid, not less than one (1.0) gram of grape solids, and not less than thirteen hundredths (0.13) grams of grape ash.

Wine or grape vinegar.

Acetic acid.

Solids.

Grape ash.

(3). Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of malt vinegar shall be the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory, and shall contain in one hundred (100) cubic centimeters (at a tem-

Malt vinegar.

perature of twenty [20] degrees centigrade), not less than four (4) grams of acetic acid, not less than two (2) grams of solids, and not less than two-tenths (0.2) grams of ash; and the water-soluble ash from one hundred (100) cubic centimeters (at a temperature of twenty (20) degrees centigrade), of the vinegar shall contain not less than nine (9) milligrams of phosphoric acid (P_2O_5) and which shall require not less than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity.

Acetic acid. Solids. Alkalinity.

(4). Any vinegar manufactured for sale, offered for sale, exposed for sale, sold or delivered or in the possession of any person with intent to sell or deliver, under the name of distilled vinegar, shall be the product made wholly or in part by the acetous fermentation of dilute distilled alcohol, and shall contain in one hundred (100) cubic centimeters (at a temperature of twenty [20] degrees centigrade), not less than four (4) grams of acetic acid, and shall be free from coloring matter, added during, or after distillation, and from coloring other than that imparted to it by distillation.

Distilled vinegar. Acetic acid. Coloring matter.

SECTION 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. And all fermented vinegar not otherwise provided for in said section 1, and not being distilled vinegar as defined in said section 1, shall contain not less than two (2) per cent. by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain or substance from which said vinegar is fermented, and said vinegar shall contain not less than two-and-a-half-tenths of one per cent. ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent., by weight of absolute acetic acid.

Fermented vinegar. Coloring matter. Solids. Per cent. of ash. Acetic acid.

SECTION 3. That all former enactments of said sections 1 and 2 are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.

[Amended House Bill No. 714.]

AN ACT

To provide a complete system of certificates by which employers can determine the age of minor laborers, and to amend and repeal certain statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1, 2 and 3 of an act entitled "An act to amend sections 1, 2 and 3 of an act entitled 'An act to regulate the employment of minors and to repeal sections 6986, Revised Statutes, passed April 25, 1891; 6986*aa*, Revised Statutes, passed March 21, 1887; 6986*bb*, Revised Statutes, passed April 27, 1885; 6986*c*, Revised Statutes, passed April 27, 1885,' passed April 19, 1898, as amended May 12, 1902, relative to the employment of minors. Relating to a complete system of certificates by which employers can determine the age of minor labor. To make the minor labor law conform with the compulsory education law and providing a way to determine the physical fitness of minor labor under 16 years of age," passed April 23, 1904; and that section 4 of the aforesaid act, passed April 19, 1898, be amended so as to read as follows:

Conformity with Compulsory Education law.

Sec. 1. No person, firm, company or corporation operating a factory, workshop, business office, telephone or telegraph office, restaurant, bakery, hotel, apartment house, mercantile or other establishment shall at any time employ, permit or suffer a child under the age of fourteen years to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages: nor shall a child between fourteen and sixteen years of age be employed, permitted or suffered to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages, without first procuring from the proper authority the age and schooling certificate prescribed in section 4022-2 of the Revised Statutes of Ohio. The aforesaid certificate shall be filed in the office of the establishment in which or in connection with which the child works, and shall be produced for inspection upon request of the chief or district inspector of workshops and factories, or a truant officer. On termination of the employment or service of a child whose certificate is filed as aforesaid, the certificate of said child shall be forthwith returned by the person or agent having charge of or the management of any of the aforesaid establishments to the superintendent of public schools, or such other person who, acting under legal authority, may have issued the aforesaid certificate.

Minimum age.

Fourteen to sixteen years.

Age and schooling certificate.

Where certificate filed.

Authority of truant officer.

Return of certificate.

Nor shall a boy under sixteen years of age, nor a girl under eighteen years of age be employed, permitted or suffered to work in or in connection with any of the aforesaid establishments, nor in the distribution or transmission of merchandise or messages, more than forty-eight hours in

any one week, nor more than eight hours in any one day; nor before the hour of seven o'clock in the morning, nor after the hour of six o'clock in the evening, and every such minor shall be entitled to no less than thirty minutes for meal time, but such meal time shall not be included as a part of the work hours of the week or day.

Maximum hours for week and day.

Meal time.

Every person or agent having charge of or the management of any of the aforesaid establishments shall keep a correct record in which shall be recorded the name, birthplace, date of birth, and place of residence of every boy between fourteen and sixteen years of age and every girl between fourteen and eighteen years of age, and shall post in a conspicuous place in every room where such minors work a printed notice stating the maximum number of work hours a day and week; the notice shall be formulated by the chief inspector of workshops and factories, and approved by the attorney general, and shall be furnished by the chief inspector upon application.

Record contents.

Post printed notice.

Attorney general's approval.

Failure to produce for inspection the age and schooling certificate, together with the aforesaid record, shall be prima facie evidence of the illegal employment or service of any child whose age and schooling certificate is not produced, or whose record is not correctly kept.

Prima facie evidence of illegal employment.

Any child working in or in connection with any of the aforesaid establishments, or in the distribution or transmission of merchandise or messages, who appears to the inspector of workshops and factories to be under the legal age, or who refuses to give to the inspector his or her name, age and place of residence, shall be forthwith conducted by the inspector to the office of the judge of the juvenile or probate court for examination. If the inspector is in doubt as to the physical fitness of a boy under sixteen years of age, or a girl under eighteen years of age found working in or in connection with any of the aforesaid establishments, or in the distribution or transmission of merchandise or messages, he shall require a certificate signed by a medical officer of the board of health certifying that such child is of sound health and physically able to perform the work or service he or she is required to do, and every such health certificate shall be signed by the child in whose name it is issued in the presence of the officer issuing the same, and which examination shall be made and certificate issued without any expense whatever to said child.

Conducting child to juvenile or probate court.

Health certificate.

Sec. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations: Sewing machine belts, in any workshop or factory or assisting in sewing machine belts in any workshop or factory in any capacity whatever; adjusting any belt to any machinery; oiling, or assisting in oiling, wiping or cleaning machinery; operating, or assisting in operating circular or band saws, wood-shapers, wood-jointers, planers, sand-paper or wood-polishing machinery; job or cylinder printing presses operated by power other than

Minimum age for certain occupations.

foot; emery or polishing wheels used for polishing metal; wood-turning or boring machinery; stamping machines used in sheet metal and tinware manufacturing; stamping machines in washer and nut factories; corrugating rolls, such as are used in roofing and washboard factories; steam boilers, steam machinery, or other steam generating apparatus; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling mill machinery, punches or shears; washing, grinding or mixing mills; calender rolls in rubber manufacturing; laundering machinery; passenger or freight elevators; nor in any capacity in preparing any composition in which dangerous or poisonous acids are used; manufacture of paints, colors or white lead; dipping, dyeing or packing matches; manufacturing, packing, or storing powder, dynamite, nitro-glycerine, compounds, fuzes or other explosives; manufacture of goods for immoral purposes; nor as pin boys in bowling alleys; nor in or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; nor in any hotel, theater, concert hall, drug store, saloon, or place of amusement wherein intoxicating liquors are sold; nor in any other employment that may be considered dangerous to their lives and limbs, or where their health may be injured or morals depraved: nor shall females under the age of sixteen years be employed in any capacity where such employment compels them to remain standing constantly; nor in assorting, manufacturing or packing tobacco.

Paints or colors.

Hotel.

Intoxicating liquors.

Moral injury.

Sec. 3. Any person, firm, company or corporation who shall employ, permit or suffer any child to work contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall, upon conviction, be fined not less than twenty-five dollars, nor more than fifty dollars, and all fines collected under this act shall inure to the benefit of the school fund of the district where the offense was committed.

Penalty for violation.

Any justice of the peace, police judge, or mayor of any city or village, shall have the same jurisdiction provided in section 3718a of the Revised Statutes of Ohio in all cases of prosecution for the violation of any of the provisions of this act.

Mayor or police judge.

Sec. 4. The chief inspector of workshops and factories shall, with the approval of the governor, designate eight visitors who shall be women and shall make such rules and regulations for their direction and guidance as shall secure uniformity of action and proceedings throughout the state. Such visitors shall receive the same compensation as the district inspectors of workshops and factories, payable in the same manner, and the necessary traveling expenses incurred by such visitors shall be paid in the same manner and subject to the same limitations as are authorized and imposed by section 4238j, Revised Statutes, as to such district inspectors. Such visitors shall visit all shops and factories

Eight female visitors.

Compensation of visitors.

Traveling expenses.

in their respective districts in which women or children are employed, including mercantile establishments as often as possible, to see that all the provisions and requirements of this act relating to the employment of women or children are strictly observed and carried out; they shall carefully inspect the sanitary condition of the same and they shall examine the system of sewage in connection with such shops, factories and establishments, the situations and conditions of water-closets or urinals in and about such shops and factories for the use of women or children and also the system of heating, lighting and ventilating all rooms of such shops and factories wherein women or children are employed at daily labor; and also the means of exit from all such places in case of fire or other disaster; and also all belting, shafting, gearing, elevators, drums and machinery of every kind and description in and about such shops and factories and see that the same are not located so as to be dangerous to such women or children so employed when engaged in their ordinary duties, and that the same, as far as practicable, are securely guarded and that every vat, pan or structure filled with molten metal or hot liquid shall be surrounded with proper safeguards for preventing accident or injury to women or children employed in such shop or factory; and that all such are in proper sanitary condition and are adequately provided with means of escape in case of fire or other disaster. Such visitors shall have entry into all shops, factories and mercantile establishments including all public institutions of the state which have shops and factories or either, at any reasonable time, and it shall be unlawful for the proprietor, agent or servants in any such factories or shops to prevent, at reasonable hours, their entry into such shops and factories for the purpose of such inspection. Such visitors, if they find upon such inspection, that any of the provisions of this act or any of the acts relating to buildings, factories or to the employment of women or children are being violated or that the heating, lighting, ventilation or sanitary arrangements for women and children of any shop, factory or mercantile establishment are such as to be injurious to the health of such women or children employed or residing therein, shall notify the chief inspector of workshops and factories who may notify the owner, proprietor or agent of such shop, factory or mercantile establishment as provided in section 3248-*f* Revised Statutes, and may proceed to prosecute such violation of the law as therein provided. The chief and all district inspectors shall have authority, the same as is vested in the truant officer of any school district, to enforce school attendance of any child found violating the school laws, or, he shall make complaint of such violation to such truant officer or to the clerk of the board of education in said district.

Duties of visitors.

Ventilation and fire exits.

Authority of visitors to enter all shops, etc.

Prosecution.

SECTION 2. That original sections 1, 2 and 3 as amended, and original section 4, and original sections 1, 2 and 3 of an act entitled, "An act to prevent the engagement of children at such employment whereby their lives and limbs

may be endangered, or their health injured, or their morals likely to be impaired," be, and the same are hereby repealed. This act shall tak effect and be in force on and after July 1, 1908.

Repeal.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.
21G

[Amended House Bill No. 1002.]

AN ACT

To amend section 7-o of the Municipal Code of 1902, giving municipalities power to sell electricity.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7-o of the Municipal Code of 1902 (96 O. L. 20), be amended so as to read as follows:

Sec. 7-o. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs and water-works, and for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof, and to apply moneys received as charges for water to the maintenance, construction, enlargement and extension of the works, and to the extinguishment of any indebtedness created therefor; and to establish, maintain and operate municipal lighting, power and heating plants; and to furnish the municipality and the inhabitants thereof with light, power and heat and to procure everything necessary therefor; and to acquire by purchase, lease or otherwise the necessary lands for such purposes, within and without the municipality.

Prevent pollution of water.

Extension of works.

Lighting plants.

SECTION 2. All contracts heretofore entered into by any municipality for the purpose of supplying the inhabitants thereof with electricity for light, heat and power, and all bonds heretofore issued for such purpose, together with all acts done and ordinances passed relating to such purpose, shall be and remain valid, legal and binding contracts, bonds, obligations and ordinances of such municipality; and all funds remaining from the sale of any such bonds shall be applied only to the purpose for which such bonds were sold.

Present contracts.

Application of funds.

SECTION 3. That said section 7-o of the municipal code of 1902 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.
22G

[Amended Senate Bill No. 345.]

AN ACT

Further to provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in counties.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever thirty-five per cent. of the qualified electors of any county shall petition the commissioners or any common pleas judge of such county for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such county, such commissioners or common pleas judge shall order a special election to be held in not less than twenty nor more than thirty days from the filing of such petition with the commissioners or common pleas judge or from the presentation of such petition to said commissioners or common pleas judge, which said petition shall be filed as a public document with the clerk of the common pleas court and preserved for reference and inspection and such election shall be held at the usual place or places for holding regular elections, and notice shall be given and the election conducted in all respects as provided by law for the election of county officers so far as said law may be applicable. The result of such election shall forthwith be entered upon the record of the proceedings of the commissioners, and with the clerk of the common pleas court, and in all trials for violation of this act, the original entry of the record, or a copy thereof certified by the clerk of the county common pleas court or any commissioner provided that said record shows that a majority of the votes cast at said election was against the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquors as a beverage or the keeping of a place where such liquors are sold, kept for sale, given away or furnished, if such selling, fur-

Petition for election.

Special election to be ordered.

Notice and conduct of elections.

Record of result and its value as evidence.

nishing or giving away or keeping of such place occurred after thirty days from the day of holding the election, was then and there prohibited and unlawful.

Ballots to be voted.

SECTION 2. The ballots at any special election held under the provisions of this act, shall be printed with an affirmative and a negative statement, to-wit: "The sale of intoxicating liquors as a beverage shall be prohibited." "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector an opportunity to clearly designate his choice by a cross mark as follows:

..... The sale of intoxicating liquors as a beverage shall be prohibited.

..... The sale of intoxicating liquors as a beverage shall not be prohibited.

When sale shall be unlawful.

And if a majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such county to sell, furnish or give away intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished for beverage purposes and whoever from and after the thirty days aforesaid violates any of the provisions of this act or in any manner directly or indirectly, sells, furnishes, or gives away or otherwise deals in any intoxicating liquors as a beverage, or keeps or uses a place, structure or vehicle, either permanent or transient for such selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor and shall on conviction thereof be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for any subsequent offense be fined not more than five hundred dollars nor less than two hundred dollars and the court on conviction for a second or subsequent offense shall order the place where such liquor is sold, furnished or given away for beverage purposes, to be abated as a nuisance or shall order the person convicted for such subsequent offense to give bond payable to the state of Ohio in the sum of one thousand dollars with sureties to the acceptance of the court that such person will not sell, furnish or give away any intoxicating liquor as a beverage in said county in violation of law.

Penalty for violation.

When abated as a nuisance.

Meaning of phrase, "Intoxicating liquors."

SECTION 3. The phrase "intoxicating liquor" as used in this act shall be construed to mean any distilled, malt, vinous or any intoxicating liquor whatever.

Regular druggists may sell.

But nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific, mechanical or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good

faith upon a written prescription, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling unless such private dwelling is a place of public resort.

Rebate of tax.

SECTION 4. When any person, company or corporation has discontinued such traffic in accordance with the provisions of this act, within the time specified by section 2 of this act, and has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor, upon being satisfied of such fact, shall issue to such person, company or corporation a refunding order of an amount proportionate with the unexpired time for which said assessment has been paid.

What constitutes 35 per cent. of qualified voters.

SECTION 5 The petition for an election provided for in sections 1 and 2 of this act, shall be deemed sufficient and the commissioners or judge shall order such an election when the petition is signed by as many qualified electors as shall equal in number thirty-five per cent. of the number of votes cast in said county at the last preceding general election, and no elector can sign his name to such petition after it is filed, or withdraw his name from such petition after it is filed, unless, such signature was secured through fraud, and in indictments, affidavits, or information for violation of this act, it shall not be necessary to set forth the facts showing that the required number of electors in the county petitioned for an election and that the election was held, or that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful.

Entry and record of election.

SECTION 6. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act:

The State of Ohio, County of .....

The special election held on the .... day of ..... A. D., ... within and for the county of ....., under the local option law, resulted as follows:

Whole number of votes "for the sale of intoxicating liquors as a beverage" .....

Whole number of votes "against the sale of intoxicating liquors as a beverage" .....

Disposition of fines.

SECTION 7. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed and bond forfeited, and shall be applied to such fund or funds as the council of said corporation may direct. When such law is enforced in the county court the fine shall be paid into the county treasury.

Another election may be ordered, when.

SECTION 8. At any time after three years from the date of an election held under the provisions of this act, but not before, another election may be petitioned for and

shall be ordered by the commissioners or common pleas judge, as provided for in this act. But nothing contained in the provisions of this act, shall affect, amend or repeal or alter in any way any other law or ordinance which prohibits throughout any municipality, township or residence district the selling, furnishing or giving away of intoxicating liquor as a beverage or the keeping of a place where intoxicating liquor is sold, furnished or given away as a beverage.

Other local option laws not disturbed.

SECTION 9. Any person being a qualified elector of the county wherein an election shall have been held as provided for in this act, may contest the validity of such election by filing a petition duly verified with the probate court of the county within ten days after the election, setting forth the grounds for contest.

Contest of election.

The probate judge upon the filing of such petition shall forthwith issue a summons addressed to the county prosecutor notifying him of the filing of such petition and directing him to appear in said court on behalf of said county at the time named in the summons, which time shall not be more than twenty days after the election nor less than five days after the filing of such petition. Any qualified elector in such county may in person or by attorney appear in such contested election case in defense of the validity of the election.

County prosecutor shall defend.

Qualified elector may defend.

The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish sufficient security for costs before said petition is filed.

Method of procedure.

SECTION 10. It shall be the special duty of the prosecuting attorney of the county and the attorney for any village and the city solicitor of any city in the county to prosecute cases for violation of this act, and the common pleas court shall charge each grand jury to investigate all violations of this law.

Who shall prosecute for violations.

SECTION 11. This act shall take effect and be in force on and after September 1, 1908.

This act effective, when.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 5, 1908.
Approved March 5, 1908.

ANDREW L. HARRIS,
Governor.

23G

[Amended House Bill No. 747.]

AN ACT

To amend section 67 of the Revised Statutes of Ohio in relation to the enrollment of the bills of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 67 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 67. All bills, after passage and before enrollment, shall be printed under the supervision of the clerk of the house in which they originated and as follows: Five copies shall be printed on heavy linen ledger paper, one of which shall be used for enrolling purposes; five thousand shall be printed from the same type on number one white book paper; of the five thousand so printed thirty-three hundred shall be delivered promptly to the secretary of state, and of the remaining copies, ten shall be delivered to each senator and representative and one to each state department; but the general assembly may by joint resolution order a bill enrolled by being typewritten or written by hand, which joint resolution shall set forth in full the emergency which is the reason for so enrolling the bill; and when a bill is so enrolled, it shall not be printed for the purpose of enrollment. All bills for typesetting and printing, but not for paper, shall be paid out of the appropriation made for the expenses of the general assembly and upon vouchers approved by the presiding officers of the two houses, each for work done for his respective branch. Thirty thousand copies of the laws and joint resolutions shall be printed; and all the laws, general and local, and joint resolutions, shall be printed in one volume. All such volumes shall be bound in half-law binding and distributed as provided by law. The thirty-three hundred copies of each law enacted by the general assembly and delivered to the secretary of state by either the clerk of the senate or the clerk of the house of representatives shall be sent by him immediately after action thereon by the governor, pro rata according to population, to the auditors of the several counties.

Printed by clerk of originating house.

One for enrolling purposes.

Amount delivered to secretary of state.

Typewritten or written enrollment.

Printing and typesetting bills, how paid.

Total number to be printed.

Distribution by secretary of state.

SECTION 2. That section 67 of the Revised Statutes of Ohio is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 5, 1908.
Approved March 5, 1908.

ANDREW L. HARRIS,
Governor.

24G

[Amended House Bill No. 1031.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1908, and the first quarter of the fiscal year ending February 15, 1909.

Be it enacted by the General Assembly of the State of Ohio:

Partial appropriations for 1908 and 1909.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	$3,500 00
Salary of assistant adjutant general	2,000 00
Salary of assistant quartermaster general	2,000 00
Salary of chief clerk	1,400 00
Salaries of seven clerks, at $1,200 each	8,400 00
Salary of superintendent of state arsenal	1,400 00
Salaries of two stenographers, at $720 each	1,440 00
Contingent expenses	750 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers	$900 00
Salary of engineer	1,000 00
Salaries of five firemen	2,000 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians of flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of ten regular laborers	1,500 00
Salaries of two elevator attendants	1,440 00
Extra laborers and carpenter	625 00
Electric light	3,000 00
Care and repair of heating apparatus	1,500 00
Fuel for State House	1,000 00
Material and repairs	2,000 00

AGRICULTURAL EXPERIMENT STATION.

Administration	$2,000 00
Agronomy, animal husbandry, botany, co-operative experiments, entomology, forestry, horticulture, chemistry and soils	3,000 00

STATE BOARD OF AGRICULTURE.

Encouragement of agriculture	$5,000 00
Suppression and prevention of diseases among live stock	2,000 00

ATTORNEY GENERAL'S DEPARTMENT.

Salary of attorney general	$6,500 00	Partial appropriations for 1908 and 1909.
Salary of first assistant attorney general	3,000 00	
Salary of second assistant attorney general	2,500 00	
Salary of chief clerk	1,500 00	
Salary of messenger	600 00	
Salaries of two stenographers, at $1,200 each	2,400 00	
Special counsel	5,000 00	
Stenographic work	200 00	
Contingent expenses	650 00	

AUDITOR OF STATE.

Salary of auditor of state	$6,500 00
Salary of deputy auditor	3,000 00
Salary of chief clerk	2,400 00
Salary of liquor tax deputy	1,750 00
Salary of liquor tax clerk	1,750 00
Salary of railroad and bank clerks	1,950 00
Salary of bookkeeper	1,950 00
Salary of inspector of institutions	2,000 00
Salary of land clerk	1,500 00
Salaries of two excise clerks	2,850 00
Salary of canal and trust fund clerk	1,400 00
Salary of statistical clerk	1,350 00
Salary of transcribing clerk	1,350 00
Salary of clerk	1,200 00
Salary of correspondence clerk	800 00
Contingent expenses	750 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$750 00
Field work Fort Ancient and Serpent Mound	750 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$800 00

BOARD OF STATE CHARITIES.

Salary of secretary	$1,800 00
Salary of clerk	900 00
Salary of stenographer	600 00
Salary of messenger	240 00
Expenses of board	250 00
Expenses of secretary	150 00
Contingent expenses	350 00

STATE BOARD OF HEALTH.

General expenses	$12,000 00

OHIO STATE BOARD OF PARDONS.

Partial appropriations for 1908 and 1909.

Salaries of members	$3,000 00
Expenses of members	800 00

BOARD OF PUBLIC WORKS.

Salaries of members	$8,700 00
Traveling expenses of members	1,800 00
Salaries of two engineers	5,400 00
Traveling expenses of engineers	1,200 00
Salary of secretary	1,800 00
Salary of stenographer and clerk	900 00
Land department	2,500 00
Contingent expenses	1,200 00
Miami and Erie canal for maintenance, balances, receipts, and	35,000 00
Southern Division Ohio canal for maintenance, balances, receipts, and	20,000 00
Northern Division Ohio canal for maintenance, balances, receipts, and	20,000 00
Improvement Northern Division Ohio canal (continuing appropriation)	50,000 00

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$4,000 00
Salaries of two assistant commissioners, at $1,000.00 each	2,000 00
Expenses of commissioner	300 00
Expenses of two assistant commissioners	400 00
Salary of chief clerk	1,200 00
Inspection, analyses and publication	3,000 00
Contingent expenses	300 00
Salaries of six deputy inspectors for the collection of the liquor tax under the Cain law, at $1,300 each	7,800 00
Traveling expenses of liquor tax inspectors	1,250 00
Contingent expenses for collection of liquor tax.	300 00
Salaries of two clerks	2,100 00

EXAMINER OF STEAM ENGINEERS.

Salary of chief examiner	$1,800 00
Salaries of eight district examiners, at $1,200 each	9,600 00
Salaries of two clerks	1,720 00
Traveling expenses	1,500 00
Contingent expenses	1,200 00

FISH AND GAME COMMISSION.

General expenses	$2,000 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$3,000 00
Traveling expenses of commissioner	200 00

Salary of chief clerk	1,300 00	Partial appropriations for 1908 and 1909.
Salary of stenographer	900 00	
Salary of clerk	720 00	
Salary of clerk	720 00	
Salary of clerk	720 00	
Contingent expenses	2,000 00	
Employment offices—		
Superintendents' salaries (five at $1,500 each)	7,500 00	
Clerks' salaries (five at $720 each)	3,600 00	

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$5,000 00
For printing paper and supplies for agricultural experiment station	1,000 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Salary of commissioner	$1,800 00
Salaries of two clerks, at $720 each	1,440 00
Salary of recording clerk	300 00
Contingent expenses	200 00

OHIO CODIFYING COMMISSION.

Salaries of three commissioners	$15,000 00
Clerk hire, stenographers and incidental expenses (including rent of offices)	4,000 00

COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner	$4,000 00
Salary of chief clerk	1,750 00
Salary of statistical clerk	1,500 00
Salary of examining clerk	1,400 00
Salary of stenographer	720 00
Salary of correspondence clerk	720 00
Traveling expenses of commissioner	200 00
Current expenses	200 00

EXECUTIVE DEPARTMENT.

Salary of governor	$10,000 00
Salary of secretary to the governor	5,000 00
Salary of executive clerk to the governor	3,000 00
Salary of commission clerk to the governor	1,500 00
Salary of corresponding clerk to the governor	1,500 00
Contingent expenses, executive department, including newspapers	600 00

HIGHWAY DEPARTMENT.

Salary of commissioner	$2,500 00
Traveling expenses of commissioner	500 00
Salary of assistant commissioner	1,500 00

Partial appropriations for 1908 and 1909.

Traveling expenses of assistant commissioner..	200 00
Salary of chief clerk.....	1,000 00
Salary of stenographer.....	800 00
Contingent expenses	200 00

INSPECTOR OF MINES.

Salary of chief inspector.....	$2,000 00
Salaries of seven district inspectors, at $1,200 each	8,400 00
Traveling expenses of chief inspector.....	150 00
Traveling expenses of seven district inspectors..	800 00
Salary of chief clerk.....	1,200 00
Salary of stenographer.....	900 00
Clerk hire	720 00
Contingent expenses	300 00

INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector.....	$2,000 00
Traveling expenses of chief inspector.....	150 00
Salaries of twelve district and two bakeshop inspectors at $1,200 each.....	16,800 00
Salary of high explosive inspector.....	2,000 00
Traveling expenses of inspectors.....	1,750 00
Salary of chief clerk.....	1,800 00
Salary of clerk.....	1,200 00
Salaries of two stenographers.....	1,680 00
Contingent expenses	300 00

JUDICIARY.

Salaries of judges.....	$50,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts to Ohio penitentiary, Ohio State Reformatory and boys committed to Boys' Industrial School	$25,000 00

DEPARTMENT OF STATE.

Salary of secretary of state.....	$6,500 00
Salary of chief clerk.....	2,400 00
Salary of stationery clerk.....	1,500 00
Salary of statistical clerk.....	1,500 00
Salary of assistant statistical clerk.....	1,350 00
Salary of recording clerk.....	1,350 00
Salary of assistant recording clerk.....	1,200 00
Salary of proof-reading clerk.....	1,350 00
Salary of corporation fee clerk.....	1,350 00
Salary of assistant corporation fee clerk.....	1,350 00

Salary of corporation clerk	1,350 00	Partial appropriations for 1908 and 1909.
Salary of assistant corporation clerk	1,350 00	
Salary of stenographer	1,350 00	
Salary of corporation stenographer	1,200 00	
Salary of mailing clerk	1,200 00	
Salary of superintendent of book room	1,200 00	
Contingent expenses	750 00	
Distribution of books	750 00	
Stationery	3,500 00	

OHIO STATE LIBRARY.

Salary of librarian	$3,000 00
Salaries of library assistants	3,280 00
Salary of assistant librarian	1,200 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Salary of janitor	900 00
Books and papers	750 00
Contingent expenses and extra labor	450 00
For traveling library department	2,000 00
Expenses of commission	75 00

INSURANCE DEPARTMENT.

Salary of superintendent	$4,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	2,400 00
Salary of examining clerk	1,800 00
Salary of statistical clerk	1,800 00
Salary of bookkeeper	1,800 00
Salary of correspondence clerk	1,350 00
Salary of first assistant actuary	1,400 00
Salary of second assistant actuary	1,200 00
Salary of assistant examining clerk	1,200 00
Salary of assistant statistical clerk	1,200 00
Salary of license clerk	1,000 00
Salary of mailing clerk	1,000 00
Salary of janitor	600 00
Contingent expenses	500 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	1,000 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of deputy inspector and supervisor of bond investment companies	$2,400 00
Salary of chief clerk	1,200 00
Salary of correspondence clerk	1,200 00
Salary of statistical clerk	1,350 00
Salary of mailing clerk	200 00
Salary of janitor	300 00

Partial appropriations for 1908 and 1909.

Salaries of six examiners, at $1,800 each	10,800 00
Salaries of extra clerks	500 00
Traveling expenses of deputy inspector and examiners	1,000 00
Contingent expenses	250 00

RAILROAD COMMISSION.

Salaries of commissioners	$15,000 00
Salaries of clerks	5,700 00
Contingent expenses	750 00
Traveling expenses	500 00
Uses and purposes of commission and inspectors of couplers and airbrakes	.....

Receipts and balances.

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000 00
State printing	15,000 00
State bindery	7,500 00
Contingent expenses	200 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal and law librarian	$2,500 00
Salary of assistant librarian and accession clerk	1,700 00
Salary of assistant librarian	1,200 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal	1,200 00
Salary of third deputy marshal	1,000 00
Salary of first stenographer	1,200 00
Salary of second stenographer	1,000 00
Salary of messenger	1,000 00
Contingent expenses	2,000 00
Books and legal publications for law library	500 00

CLERK OF SUPREME COURT.

Salary of clerk	$4,000 00
Salary of first deputy	1,800 00
Salary of second deputy	1,500 00
Salary of correspondence clerk	1,200 00
Salary of messenger	700 00
Contingent expenses	125 00

REPORTER SUPREME COURT.

Salary of reporter	$4,000 00
Contingent expenses	1,200 00

TREASURER OF STATE.

Salary of treasurer of state	$6,500 00
Salary of cashier	3,400 00
Salaries of two bookkeepers at $1,800 each	3,600 00

Salaries of two night watchmen	1,800 00	
Salary of correspondence clerk	720 00	
Contingent expenses	300 00	Partial appropriations for 1908 and 1909.

OHIO PENITENTIARY.

Salaries of managers	$5,000 00
Salaries of officers	5,000 00
Salaries of guards	16,000 00
Current expenses	20,000 00

OHIO STATE REFORMATORY.

Salaries of managers	$5,000 00
Salaries of officers	5,000 00
Salaries of guards	2,000 00
Current expenses	12,000 00
Ordinary repairs and improvements	2,000 00

CLEVELAND STATE HOSPITAL.

Current expenses	$50,000 00
Salaries of officers and trustees' expenses	1,000 00
Ordinary repairs and improvements	2,000 00

COLUMBUS STATE HOSPITAL.

Current expenses	$30,000 00
Ordinary repairs and improvements	2,500 00

DAYTON STATE HOSPITAL.

Ordinary repairs and improvements	$2,000 00

LONGVIEW HOSPITAL.

Current expenses	$30,000 00

MASSILLON STATE HOSPITAL.

Ordinary repairs and improvements	$2,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$30,000 00
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$28,000 00
Salaries of officers and teachers and trustees' expenses	7,500 00
Ordinary repairs and improvements	2,000 00
Rewards	200 00
Furnishing new cottage and employes' building	1,500 00

GIRLS' INDUSTRIAL HOME.

Partial appropriations for 1908 and 1909.

Current expenses	$10,000 00
Salaries of officers and teachers and trustees' expenses	1,000 00

STATE SCHOOL FOR THE BLIND.

Current expenses	$9,000 00
Salaries of officers and teachers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$30,000 00
Ordinary repairs and improvements	2,000 00

SOLDIERS' AND SAILORS' HOME.

Salaries of officers and trustees' expenses	$2,000 00
Ordinary repairs and improvements	3,000 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$20,000 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	2,000 00
Salaries of foremen and instructors	2,000 00

PENSION MARY L. BRUSH.

Pension Mary L. Brush	$96 00

STATE BOARD OF PHARMACY.

Receipts and balances.

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Receipts and balances.

STATE BOARD OF MEDICAL REGISTRATION AND EXAMINATION.

Receipts and balances.

STATE FIRE MARSHAL.

Receipts and balances.

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1908,

nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid. Partial appropriations for 1908 and 1909.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for current expenses of benevolent, penal or educational institutions. No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the time is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institutions. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expenditures, as may be required by such auditor of state and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 13, 1908.
Approved March 13, 1908.

ANDREW L. HARRIS,
Governor.

25G.

[House Bill No. 1214.]

AN ACT

To fix the salary of inspector of work-shops and factories.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The annual salary of inspector of work-shops and factories shall be twenty-five hundred ($2,500.00) dollars. And all acts and parts of acts inconsistent herewith are hereby repealed, as to such inconsistency, but not otherwise.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 19, 1908.
Approved March 19, 2 p. m., 1908.

ANDREW L. HARRIS,
Governor.
26G..

[House Bill No. 1284.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Salaries, etc.

SECTION 1. That there be, and is hereby, appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of one hundred thousand dollars ($100,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the General Assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 19, 1908.
Approved March 19, 1098.

ANDREW L. HARRIS,
Governor.
27G.

[House Bill No. 1003.]

AN ACT

To amend section 3969 of the Revised Statutes relating to the action of the county commissioners when a board of education fails to provide proper school facilities, and section 3981 of the Revised Statutes with reference to vacancies in boards of education and how filled.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3969 and 3981 of the Revised Statutes be amended so as to read as follows:

Contingent fund.

Sec. 3969. If the board of education in any district fail in any year to estimate and certify the levy for a contingent fund as required by this chapter, or if the amount so certified is deemed insufficient for school purposes, or if it fail to provide sufficient school privileges for all the youth of school age in the district or to provide for the continuance of any school in the district for at least thirty-two weeks in the year, or to provide for each school an equitable share of school advantages as required by this title, or to provide suitable school houses for all the schools under its control, or to elect a superintendent or teachers, or to pay their salaries, or to pay out any other school money needed in school administration, or to fill any vacancies in the board within the period of thirty days after such vacancies occur, the commissioners of the county to which such district belongs, upon being advised and satisfied thereof, shall do and perform any or all of said duties and acts, in as full a manner as the board of education is by this title authorized to do and perform the same; and all salaries and other money so paid by the commissioners of the county, shall be paid out of the county treasury as other county expenses are paid, but the same shall be a charge against the school district for which said money was paid, and the amount so paid shall be retained by the county auditor from the proper funds due to such school district, at the time of making the semi-annual distribution of taxes; and the members of a board who cause such failure shall be each severally liable, in a penalty not to exceed fifty nor less than twenty-five dollars, to be recovered in a civil action in the name of the state upon complaint of any elector of the district, which sum shall be collected by the prosecuting attorney of the county and when collected shall be paid into the treasury of the county, for the benefit of the school or schools of the district.

Minimum School period.

Vacancies; commissioners, duties of.

Personal liability of board members.

Vacancies, how filled.

Sec. 3981. Vacancies in any board of education which may be caused by death, non-residence, resignation, removal from office, failure of the person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district, or absence from meetings of the board for a period of ninety days, provided said absence is caused by reasons declared insuffi-

cient by a two-thirds vote of the remaining members of the board, said vote to be taken and entered upon the records not less than thirty days after said absence; such vacancies shall be filled by the board of education at its next regular or special meeting or as soon thereafter as possible for the unexpired term.

Unexpired term.

A majority vote of all the remaining members of the board can fill any vacancy or vacancies that may exist in said board.

SECTION 2. That said sections 3969 and 3981 be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 31, 1908.
Approved March 31, 1908, at 5:00 o'clock p. m..

ANDREW L. HARRIS,
Governor.
28G.

[House Bill No. 781.]

AN ACT

To supplement section 4 of an act entitled, "An act to further provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations," passed March 22, 1906, by the enactment of a section to be known as section 4a.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act entitled, "An act to further provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations," passed March 22, 1906, be and hereby is supplemented by a section to be known as section 4*a* in said act as follows:

Sec. 4*a*. Whenever a petition is or has been presented and declared sufficient, under the provisions of section 1 of this act, to prohibit the keeping of a place where intoxicating liquor is sold as a beverage in a residence district in which, at the time such petition was filed, there was no place where intoxicating liquor was sold for beverage purposes, or, in a gerrymandered or irregularly outlined district which prevents the sale of liquor from being prohibited in adjacent territory under this act, such petition or petitions shall not prevent another petition being filed at any time thereafter under section 1 of this act covering part or all of the territory in said petition first filed and granted, with or without other contiguous territory. At any time

Petition filed, but no saloon in district.

after two years from the filing of a petition under section 1 of this act, another petition may be filed under the provisions of said section 1, covering part or all of the territory included in the first petition with or without other contiguous territory.

Filing another petition.

Contiguous territory.

Whenever there are pending two or more petitions under sections 1 and 2 of this act, including territory common to all, that petition shall have precedence which applies to the territory containing the greatest number of resident electors. And whenever two petitions are filed covering the same territory, under the provisions of sections 1 and 2, that petition shall be granted which has the greatest number of electors' signatures attached thereto; provided, however, that all petitions for signatures under this act shall have a map or drawing attached showing the outlines of the district and location of all saloons within the district proposed.

Precedence of petitions.

Map of district.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 31, 1908.
Approved March 31, 1908, at 5:00 o'clock p. m.

ANDREW L. HARRIS,
Governor.
29G.

[Senate Bill No. 382.]

AN ACT

To repeal sections 499, 499*a*, 499*b* and 503 of the Revised Statutes of Ohio and to amend and supplement section 6709 of the Revised Statutes, relating to the superior court of Cincinnati.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6709 of the Revised Statutes be amended so as to read as follows:

Sec. 6709. A judgment rendered or final order made by any court of common pleas or by the superior court of Cincinnati, or by a judge of any of said courts, may be reversed, vacated, or modified, by the circuit court having jurisdiction in the county wherein said common pleas or superior court is located, for errors appearing on the record. All errors assigned in the petition in error shall be passed upon by the court, and in every case where a judgment or order is reversed and remanded for a new trial or hearing, the circuit court shall, in its mandate to the court below state the error or errors found in the record upon which the judgment of reversal is founded. This section shall apply to pending actions, prosecutions and proceedings, and exist-

Judgment reversed or modified, how.

Mandate, what to contain.

Superior court, general term, exception.

ing causes thereof, except judgments rendered by the general term of the superior court of Cincinnati before this act shall take effect.

SECTION 2. That sections 499*a*, 499*b*, 503 and section 6709 of the Revised Statutes, as amended March 17, 1898, be and the same are hereby repealed.

Transfer to circuit court.

Jurisdiction of circuit court.

SECTION 3. All cases pending in the general term of the superior court of Cincinnati at the time of the taking effect of this act shall proceed no further in said court, but shall be deemed transferred as of said time to the circuit court having jurisdiction in the county wherein said superior court is located; and the clerk of said court shall forthwith transmit to said circuit court the original papers in such cases, with a transcript of the docket and journal entries therein. Said circuit court shall have as full jurisdiction of said cases as said general term may have had; and the conditions of all undertakings given in such cases which may be applicable to the judgments and orders of said general term shall be applicable to the judgments and orders of said circuit court. And upon the final disposition by said circuit court of any case so transferred, said circuit court shall issue its mandate to the special term of the superior court of Cincinnati, directing what further proceedings shall be had in such case.

Mandate to special term of superior court.

SECTION 4. That section 6726 of the Revised Statutes be supplemented by the enactment of section 6726*a* as follows:

Supreme court mandate, directed, how.

Sec. 6726*a*. Whenever a judgment rendered or final order made by the superior court of Cincinnati sitting in general term shall be affirmed or reversed by the supreme court, the mandate directing further proceedings shall be directed either to the special term of said superior court or to the circuit court having jurisdiction in the county wherein said superior court is located, as the supreme court may determine.

SECTION 5. This act shall take effect and be in force on and after the thirtieth day after it shall become a law.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 31, 1908.
Approved March 31, 1908, at 5:00 o'clock p. m.

ANDREW L. HARRIS,
Governor.
30G.

[House Bill No. 869.]

AN ACT

Governing powder, other explosives and blasting in coal mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No blasting powder or other explosives shall be stored in any coal mine, and all powder sold to miners by the keg shall be packed in kegs which have an opening at the edge two inches in circumference, and that can be conveniently opened to avoid the dangerous use of picks to open the same; and no workman shall have at any one time more than one twenty-five pound keg of black powder in the mine, nor more than three pounds of high explosives; and no explosive shall be taken into or out of any part of the mine in mine cars propelled by electric power; and no person shall keep blasting powder, or explosives, dangerously near the electric wire or power cable in any part of the mine where electric wires are in use.

Storage in mine forbidden.

Opening in kegs.

Electric wires, caution.

(*a.*) Every person who has powder or other explosives in a mine, shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track, and no two powder boxes shall be kept within twenty-five feet of each other, nor shall black powder and high explosives be kept in the same box.

Metallic boxes.

(*b.*) Whenever a workman is about to open a box or keg containing powder or other explosives, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive and in such position that the air current cannot convey sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosives with a lighted lamp, lighted pipe or other thing containing fire.

Lamp; how to be handled.

(*c.*) In the process of charging and tamping a hole, whenever in the opinion of the mining department this becomes necessary, the needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five inches of copper. No coal dust nor any material that is inflammable, or that may create a spark, shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive.

Tamping.

(*d.*) A miner who is about to fire a shot with a manufactured squib shall not shorten the match, saturate it with mineral oil nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and if it be a rib shot, he shall notify the person or persons working next to him on said rib before said shot, and shall take measures to prevent anyone approaching by shouting "fire" immediately before lighting the fuse; no person shall return to a missed shot until five

Manufactured squib, how used.

Rib shot.

Missed shot.

minutes have elapsed. And when it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

Penalty.

SECTION 2. Any person violating any part of this act, shall be deemed guilty of a misdemeanor, and upon conviction be fined, not more than one hundred dollars, nor less than five dollars, at the discretion of the court.

SECTION 3. This act shall take effect and be in force six months after passage.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908, at 9:50 o'clock a. m.

ANDREW L. HARRIS,
Governor.
31G.

[House Bill No. 828.]

AN ACT

To provide for the relief of needy blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The boards of county commissioners of the several counties in this state are hereby authorized and required to levy, in addition to the taxes now levied by law for other purposes than those herein provided, a tax not exceeding two-tenths of one mill per dollar on the assessed value of the property of their respective counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of the needy blind of their respective counties.

Relief fund, how obtained.

Needy blind, defined.

SECTION 2. A needy blind person shall be construed to mean any person who, by reason of loss of eye-sight, is unable to provide himself with the necessities of life, and who has not sufficient means of his own to enable him to maintain himself.

SECTION 3. The judge of the probate court in each of said counties shall, within thirty days after the passage of this act and annually thereafter on or before the first Monday of April appoint three persons, residents of such county, one to serve for three years, one to serve for two years, and one to serve for one year from the date of such appointment and each year thereafter one person to serve for three years. Such persons so appointed shall be known and designated as the "blind relief commission," and shall organize by electing one of their number as president and one of

Blind relief commission.

their number as secretary to serve until the next annual appointment of a member. The judge of the probate court may, for cause, remove any member of the commission, and shall fill all vacancies occurring thereon, whether by removal or otherwise, for the unexpired term.

SECTION 4. The blind relief commission shall meet at the office of the county commissioners, within thirty days after its appointment and thereafter annually on the fourth day of November of each year, and at such other times as may be necessary on the call of the secretary, and examine carefully the list of applications properly filed.

Annual meetings.

SECTION 5. A needy blind person in order to receive relief under this act must be a resident of this state at the passage of this act, or become blind while a resident of this state, and shall be a resident of the county for one year.

Qualifications.

SECTION 6. All persons claiming relief under this act shall file, at least ten days prior to action on said claims, with the board, a duly verified statement of the facts bringing him within the provisions of this act. The list of claims shall be filed in the order of filing in a book furnished for that purpose by the county commissioners, and which record shall be open to the public. No certificate of qualification for drawing money under this act shall ever be granted until the board shall be satisfied, from the evidence of at least two reputable residents of said county, one of whom shall be a registered physician, that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the relief asked for, which evidence shall be in writing, subscribed to by such witnesses, subject to the right of cross-examination by the board or other persons. If the board is satisfied upon such testimony that the applicant is entitled to any relief hereunder, they shall issue an order therefor, in such sum as they find needed, not to exceed $150.00 per annum, to be paid quarterly out of the fund herein provided for on the warrant of the county auditor, and such relief shall be in lieu of any other relief of a public nature.

Public Record.

Evidence.

Quarterly payment.

SECTION 7. At its annual meeting, the board shall examine as to the qualifications of any one on the blind list and increase or decrease the allowance within the statutory limits, or if they are not satisfied that the person so on the list is qualified to draw any money they shall entirely remove him from the list and shall forthwith notify the auditor of such action.

Increase or decrease.

SECTION 8. Each member of said board shall receive $2.00 per diem while on actual attendance upon duty, not to exceed five days in any one year, and mileage at the rate of 8 cents per mile, going and returning.

Compensation.

SECTION 9. The county commissioners of every county are hereby authorized and directed to transfer from any money in the poor fund of any county, to the blind fund, herein provided, for the year 1908, sufficient money to carry out the purposes of this act.

Transfer from poor fund to blind fund.

Perjury.

SECTION 10. Any person who shall make a false statement in order to secure benefit for himself or another, the benefit herein provided, shall, upon conviction, be deemed guilty of perjury.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908, at 9:50 o'clock a. m.

ANDREW L. HARRIS,
Governor.
32G.

[House Bill No. 922.]

AN ACT

To amend section 4 of an act entitled, "An act to provide how railroad and highway crossings may be constructed," passed April 25, 1904, in relation to railroads crossing highways and highways crossing railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4 of an act entitled, "An act to provide how railroad and highway crossings may be constructed," passed April 25th, 1904, be amended so as to read as follows:

Sec. 4. Whenever it shall be desired by any railroad company constructing a new railroad, or in changing or in altering the location of a railroad heretofore constructed, or by any municipality or authority constructing a new highway that the railroad or highway should be so constructed that the railroad and highway shall cross each other at the same grade, or if it is desired to divert, change or alter any existing public highway, a petition shall be presented by the party desiring such construction or diversion to the court of common pleas of the county within which said crossing or diversion is situated and the railroad company, if it is a highway asking for the right to cross a railroad shall be the defendant, and if it is a railroad company asking for the right to cross a highway, or divert, change or alter any existing public highway, in a municipality such municipality shall be the defendant, and if outside of a municipality, then the trustees of the township and the board of county commissioners of the county shall be the defendants, and summons shall be served and the rule days and the rights of the defendants to plead shall be the same as in civil actions in said court. Said petition shall set forth the reasons that are supposed to make the same necessary or desirable; and the court of common pleas shall thereupon have jurisdiction of the parties and the subject matter of such peti-

Grade crossings.

Parties defendant.

Petition, what to contain.

tion, and may proceed, to examine the matter, either by evidence, by reference to a master commissioner or otherwise; and if satisfied that such construction is reasonably required to accommodate the public, or to avoid excessive expense, in view of the small amount of traffic on the highway or railroad, and considering the future uses to which said highway may be adapted, or in view of the difficulties of other methods of construction, or for other good and sufficient reasons, then it shall make an order or orders permitting such crossing at grade or diversion to be established; and it may, in such order, or orders, in its discretion, prescribe that gates, signals, watchmen, or other safeguards shall be maintained by the railroad company, in addition to the signals and safeguards prescribed by statute, and all such orders shall be binding upon the parties and shall be observed by them. All costs and expenses of the proceedings shall be ascertained and allowed by the court of common pleas and shall be paid by such party as it shall decide, or by it apportioned between the parties, and may be collected by execution out of said court. Appeals may be taken and error prosecuted from the decision of the common pleas court to the circuit court as in civil actions, and the decision of such circuit court shall be final and conclusive. In both the common pleas and circuit courts proceedings brought hereunder shall be advanced over other civil causes.

Order of court, may prescribe what.

Costs and expenses.

Appeals.

SECTION 2. That section 4 of an act entitled "An act to provide how railroad and highway crossings may be constructed," passed April 25, 1904, is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908, at 9:50 o'clock a. m.

ANDREW L. HARRIS,
Governor.
33G.

[House Bill No. 836.]

AN ACT

To amend sections 3324, 3325 and 3326 of the Revised Statutes, to more effectually protect life and property in the operation of railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3324, 3325 and 3326 of the Revised Statutes be amended to read as follows:

Sec. 3324. A company or person having control or management of a railroad shall construct, or cause to be

constructed, and maintain in good repair on each side of such road, along the line of the lands of the company owning or operating the same, a fence sufficient to turn stock; and when such fence is constructed out of barbed wire, or separate lateral strands not connected by inter-woven wire, or cross perpendicular wire not more than fifteen inches apart, there shall be securely fastened to the posts, at the top of the same, at right angles thereto, at least one board, not less than one and one-eighth inches thick and five inches wide, and extending the entire length thereof; and before operating such road shall cause to be maintained at every point where any public road, street, lane or highway used by the public, crosses such railroad, safe and sufficient crossings, and on each side of such crossings cattle-guards sufficient to prevent domestic animals from going upon such railroad; and such company or person shall be liable for all damages sustained in person or property in any manner by reason of the want or insufficiency of any such fence, crossing or cattle-guard, or any neglect or carelessness in the construction thereof, or in keeping the same in repair. That provided, where any road now in process of construction, or any proposed road, passes through any inclosed land, that the company or person having control of any such road shall, during the construction of the same, provide suitable crossings for the owner or occupant of each farm, and make and keep in repair fences along the line of such road through such inclosed fields, and protect any crops growing thereon; and further provided, that where the company or person agrees with the owner of the lands through which any railroad passes, that said owner shall build and keep in repair any portion of the fencing, and should said fencing be destroyed or damaged by fire from passing trains or by the elements, said company or person owning or operating such road shall rebuild or repair said fence, provided the property-holder should demand it; and provided, that if any railroad company shall fail or refuse to construct any fence in the manner hereinbefore provided, within six months after the passage of this act, and after having received written notice so to do from the owner or occupant of any lands through which the road may pass, that then said owner or occupant may, after thirty days from the time of serving such notice upon the agent of such company nearest said lands, proceed to construct the same, and the company shall be liable to such person for the cost thereof, together with the attorney's fees as provided for in section 3325. This act shall apply to all fences now built, as well as those hereafter constructed.

Fences.

Cattle-guards.

Temporary crossings.

Damage by fire.

Attorney's fees.

Sec. 3325. If such company or person neglect or refuse to construct such fence, as is provided for in the preceding section, the owner of any land abutting on the line of the land of the railroad may construct the fence therein provided for, so far as his land abutt on the railroad lands; and when he has completed the same he may present for

payment to the agent of the company for receiving and shipping freight at the station nearest to the tract of land so fenced, a sworn itemized account of the expense thereof, including materials and labor; and if such company or person neglect or refuse, for thirty days, to pay such account, such land owner may recover from the owner or lessee of the road, the reasonable cost of such fence, and in addition thereto, provided recovery is had for an amount not less than the amount of the verified itemized account as presented to such corporation or person, all reasonable attorney fees not to exceed the sum of twenty-five dollars ($25.00) to be assessed and awarded by the court or jury trying the issue.

Itemized account.

Attorney's fee of $25.00.

Sec. 3326. When the fence is completed the company shall keep it in good repair; and if any such company or person permit any part of the fence on the line of its road to get out of repair, or said fence is damaged or destroyed by fire or the elements, so that it will not turn stock, the owner of the land abutting on the railroad lands where the fence is out of repair may notify the agent of the company for receiving and shipping freight at the station on the road nearest to the place where the fence is out of repair, that a portion of the fence on the line of the road is out of repair, stating where, how, and the probable cost of repairing the same; and if such company or person shall fail, for twenty-four hours thereafter, to repair or replace the fence so that it will turn stock, the owner of the land may furnish materials and repair or replace the same, and present to such agent, for payment, a sworn itemized account of the expense thereof, including materials and labor, and if the same be not paid within thirty days thereafter, such land owner may recover from the owner or lessee of the road the reasonable expense of such repairs, and in addition thereto, attorney's fees as is provided for in section 3325.

Notice served on agent.

Owner may repair fences.

SECTION 2. That said sections 3324, 3325 and 3326 are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908, at 9:50 o'clock a. m.

ANDREW L. HARRIS,
Governor.

34G.

[House Bill No. 745.]

AN ACT

To provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That on and after January 1, 1909, it shall be unlawful to keep any person suffering from pulmonary tuberculosis, commonly known as consumption, in any county infirmary except in separate buildings to be provided and used for that purpose only.

County hospital for tuberculosis.

SECTION 2. The board of county commissioners are hereby authorized and directed to construct in each county a suitable building or buildings, which shall be separate and apart from the infirmary buildings, to be known as the county hospital for tuberculosis; and they shall also provied for the proper furnishing and equipment of said hospital; provided that there is not already established a hospital in the county for treatment and maintenance of tuberculosis patients; and whenever in any county funds are not available to carry out the provisions of this act, the county commissioners shall levy for that purpose, and set aside the sum necessary, which shall not be used for any other purpose, and the commissioners of the county may issue and sell the bonds of said county in anticipation of said levy. The infirmary directors shall provide for the treatment, care and maintenance of patients received at said county hospital, and for necessary nurses and attendants, and all expenses so incurred shall be audited and paid as are other expenditures for county infirmary purposes. An accurate account shall be kept of all moneys received from patients or from other sources, which shall be applied towards the payment of maintaining said county hospital; and the infirmary directors shall have authority to receive for the use of such hospital gifts, legacies, demises or conveyances of property, real or personal, that may be made, given or granted to for the use of said county hospital, or in its name, or in the name of said directors.

Levy of tax and sale of bonds.

Accounts to be kept.

SECTION 3. The commissioners and infirmary directors of any county, in lieu of providing for the erection of a county hospital for tuberculosis, may contract with the infirmary directors of any other county or with the board of public service of any municipality where such hospital has been constructed for the care and treatment of the inmates of such infirmary or other residents of the county who are suffering from pulmonary tuberculosis, and the infirmary directors of the county in which such patients reside shall pay into the poor fund of the county or into the proper fund of the city receiving such patients the actual cost incurred in their care and treatment and other necessaries;

Actual cost.

and shall also pay for their transportation. The probate judge of any county in which such hospital has been provided may, upon a proper presentation of the facts and the recommendation of the state board of health, order any inmate of the infirmary who is suffering from pulmonary tuberculosis removed to the county hospital for tuberculosis of some other county, and there confined, provided that such removal shall not be made without the consent of such inmate if a suitable place outside of the infirmary is provided for his or her care and treatment.

Removal to another county.

SECTION 4.. The county hospital for tuberculosis shall be devoted to the care and treatment of those admitted to the county infirmary who are afflicted with pulmonary tuberculosis, and of other residents of the county who may be suffering from said disease and who are in need of proper care and treatment; and the board of infirmary directors shall investigate all applicants for admission to the county hospital for tuberculosis who are not inmates of the county infirmary and require satisfactory proof that they are in need of proper care, and have pulmonary tuberculosis; provided, that the infirmary directors may require from any such applicant admitted a payment of not to exceed $3.00 a week, or such less sum as they may determine, for hospital care and treatment. The physician to the county infirmary shall have the medical care of patients in the county hospital; provided, that any patient not an inmate of the county infirmary shall have the privilege of calling other medical attendance in consultation with the regular infirmary physician, but not at the expense of the county.

Applicants, investigation of.

Physicians.

SECTION 5. The state board of health shall have general supervision of all county hospitals for tuberculosis, and shall prescribe, and is hereby authorized to enforce, such rules and regulations for their government, and for the protection from infection of other inmates of the county infirmary and of nurses and attendants in the county hospital for tuberculosis, and others, as they may deem necessary; and it shall be the duty of all persons in charge of or employed at such hospitals, or residents thereof, to faithfully obey and comply with any and all such rules and regulations; and said board, acting with the board of state charities, shall approve the location and plans for all county hospitals for tuberculosis.

State board of health, supervision.

Location and plans approved.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908, at 9:50 o'clock a. m.

ANDREW L. HARRIS,
Governor.

35G.

[Senate Bill No. 398.]

AN ACT

To amend section 1 of an act to prevent the adulteration of and deception in the sale of flaxseed or linseed oil, passed April 27, 1896 (92 O. L. 417).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act to prevent the adulteration of and deception in the sale of flaxseed or linseed oil passed April 27, 1896 (92 O. L. 417) be and the same is hereby amended so as to read as follows:

Sec. 1. That no person, firm or corporation shall manufacture for sale, offer or expose for sale, in this state, any so-called "raw flaxseed or linseed oil" unless the same is wholly obtained from the seeds of the flax plant and unless the same fulfills all the requirements recognized by the eighth decennial revision of the United States Pharmacopoeia, or any so-called "boiled linseed oil" unless the same shall have been prepared by heating pure raw linseed oil to a temperature of 225 degrees Fahrenheit, and incorporating not to exceed four per cent. by weight of drier. And for the purpose of this act it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements: 1st. Its specific gravity at 60 degrees Fahrenheit must be not less than 0.935 and not greater than 0.945. 2d. Its saponification value (Koettstorfer figure) must not be less than 186. 3d. Its iodine number must not be less than 160. 4th. Its acid value must not exceed 10. 5th. The volatile matter expelled at 212 degrees Fahrenheit must not exceed one-half of one per cent. 6th. No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods shall not exceed 2.5 per cent. 7th. The film left after flowing the oil over glass and allowing it to drain in a vertical position must dry free from tackiness in not to exceed twenty hours, at a temperature of about 70 degrees Fahrenheit.

Boiled linseed oil.

Drier.

Requirements of boiled linseed oil.

SECTION 2. That section 1 of said act (92 O. L. 417) be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 6, 1908.
Approved April 7, 1908, at 2:15 o'clock.

ANDREW L. HARRIS,
Governor.

36G.

[Senate Bill No. 334.]

AN ACT

To repeal section 3 of an act entitled, "An act authorizing boards of education to provide library privileges for city, village and special districts," passed October 17, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act authorizing boards of education to provide library privileges for city, village and special school districts," passed October 17, 1902, and known as section 3998-3 of the Revised Statutes of Ohio, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 6, 1908.
Approved April 7, 1908, at 2:15 o'clock.

ANDREW L. HARRIS,
Governor.
37G.

[House Bill No. 894.]

AN ACT

To supplement section 3374 of the Revised Statutes by enacting section 3374*a* permitting railroads to charge excess fare on trains.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3374 be supplemented by enacting section 3374-*a* as follows:

Sec. 3374-*a*. Any company operating a railroad in whole or in part within this state which shall have posted up proper notice thereof in a conspicuous place in each waiting room and on the front of its depot building, may collect ten cents extra in addition to the fare allowed by section 3374, when such fare is paid on the train and when an office at the point at which the passenger boarded the train has been open for the sale of tickets at least thirty minutes next prior to the departure of such train.

Notice, posting of.

10 cents extra.

SECTION 2. This act shall take effect sixty days after its passage.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908..
Approved April 7, 1908.

ANDREW L. HARRIS,
Governor.
38G.

[House Bill No. 691.]

AN ACT

To regulate the practice of dentistry, and to repeal sections 4404 and 6991, Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

State dental board.

SECTION 1. Within thirty days after the passage of this act the governor, with the advice and consent of the senate, shall appoint a state dental board consisting of five persons, each of whom shall have been in the legal practice of dentistry in this state at least five years next preceding his appointment. No person so appointed shall be an officer of a dental college or a member of the faculty thereof.

Term.

SECTION 2. One member of the state dental board appointed under the preceding section, shall serve for one year, one for two years, and one for three years, one for four years and one for five years, from the date of appointment. Annually thereafter the governor shall appoint one member of the board who shall serve for a term of five years, and until his successor is appointed and qualified, but no person so appointed shall serve to exceed two terms.

Dates of meetings.

SECTION 3. The state dental board shall organize by the election from its members of a president, a secretary and a treasurer. It shall hold a meeting on the third Tuesday in June and October of each year, and other meetings as it deems necessary at such times and places as the board designates. The October meeting shall be held in the city of Columbus; the June meeting may be held at such place as the board designates. A majority of the members of the board shall constitute a quorum but a less number may adjourn from time to time. The board shall make such reasonable rules and regulations as it deems necessary.

Rules and regulations.

Bonds of officers.

SECTION 4. Before entering upon the discharge of the duties of his office, the secretary and the treasurer of the state dental board shall each give a bond to the board in such sum and with such sureties as the board directs. Each month all moneys received by the secretary shall be paid to the treasurer of the board.

Compensation.

SECTION 5. Each member of the state dental board shall receive ten dollars for each day actually employed in the discharge of his official duties, and his necessary expenses incurred. The secretary shall receive an annual salary to be fixed by the board, and his necessary expenses incurred in the discharge of his official duties. The compensation and expenses of the secretary and members and the expenses of the board, shall be paid from moneys received under this act, upon the approval of the president and secretary.

Official seal.

SECTION 6. The state dental board shall have an official seal and shall keep a record of its proceedings, a register of persons licensed as dentists and a register of licenses by it revoked. At reasonable times its records shall be open to public inspection. A transcript of an entry in such records certified by the secretary under the seal of the board, shall be evidence of the facts therein stated.

Public record.

SECTION 7. The state dental board may hear testimony in matters relating to the duties imposed upon it by law, and the president and secretary of the board may administer oaths.

Oaths.

SECTION 8. Unless legally qualified prior to the passage of this act, no person shall practice dentistry in this state until he has obtained a license from the state dental board as hereinafter provided..

License.

SECTION 9. Each person who desires to practice dentistry within this state shall file with the secretary of the state dental board a written application for a license and furnish satisfactory proof that he is at least twenty-one years of age, of good moral character, and present evidence satisfactory to the board that he is a graduate of a reputable dental college, as defined by the board. Such application must be upon the form prescribed by the board and verified by oath.

Applications; qualifications of applicants.

SECTION 10. An applicant for a license to practice dentistry shall appear before the state dental board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written or oral tests, or both, in the following subjects: Anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bacteriology, prosthetics, operative dentistry, oral surgery, anesthetics, orthodontia and oral hygiene.

Examination.

SECTION 11. If such applicant passes the examination, he shall receive a license from the state dental board attested by its seal and signed by the president and secretary, which shall be conclusive evidence of his right to practice dentistry in this state. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the board.

Issuing of license.

SECTION 12. The state dental board may issue a license without examination to an applicant who furnishes satisfactory proof that he is a graduate from a reputable dental college of a state, territory or district of the United States, and holds a license from a similar dental board, under requirements equal to those of this state, or who, for five consecutive years next prior to filing his application, has been in the legal and reputable practice of dentistry in a state, territory or district of the United States and holds a license from a similar dental board thereof, if in either case the laws of such state, territory or district accord equal rights to a dentist of Ohio holding a license from the state dental board, who removes to, resides and desires to

Five years' practice.

practice his profession in, such state, territory or district. No license shall be issued under this section unless authorized by an affirmative vote of all the members of the board present at such meeting.

Unit vote required.

Revocation of license.

SECTION 13. The state dental board may revoke a license obtained by fraud or misrepresentation, or if the person named therein uses intoxicants or drugs to such a degree as to render him unfit to practice dentistry, is guilty of immoral conduct, or has been convicted of a felony subsequent to the date of his license. If such conviction is vacated, reversed or set aside, or the accused pardoned, his license shall be operative from the date of the vacation, reversal or pardon.

SECTION 14. No action to revoke a license shall be taken until the accused has been furnished a statement of the charges against him and notice of the time and place of a hearing thereof. The accused may be present at the hearing in person, by counsel, or both. The statement of charges and notice may be served personally upon such person or mailed to him at his last known address at least twenty days prior to the hearing. If upon such hearing the board finds the charges are true, it may revoke the license. Such revocation shall take from the person named in a license all rights and privileges acquired thereby.

Hearing.

SECTION 15. A stenographic report of each proceeding to revoke a license shall be made at the expense of the state dental board, and a transcript thereof kept on its files. A person whose license has been revoked may file with the secretary within thirty days of the decision of the board a written notice of appeal therefrom. Upon filing such notice the secretary shall transmit to the governor and attorney-general the record of such proceedings. Such officers shall review the proceedings as disclosed by the record and their decision affirming or overruling the action of the board shall be final.

Appeal.

SECTION 16. An applicant for a license to practice dentistry in this state shall pay to the secretary of the state dental board, the following fee:

Fees.

An applicant for a license granted upon an examination, twenty-five dollars. Such fee shall not be refunded unless the applicant is unavoidably prevented from attending the examination, but he may be examined at the next regular or special meeting of the board without additional fee.

An applicant failing at first examination may be reexamined at the next regular or special meeting of the board without an additional fee.

An applicant for a license without examination, with license from a board other than of this state, twenty-five dollars.

An applicant for a duplicate license granted upon proof of loss of the original, five dollars.

Display of license.

SECTION 17. Whoever engages in the practice of dentistry in this state shall keep his license displayed in a conspicuous place in the operating room, or rooms in which he practices, in such manner as to be easily seen and read.

Practicing dentistry, defined.

SECTION 18. A person shall be regarded as practicing dentistry who is manager, proprietor, operator or conductor of a place for performing dental operations or who, for a fee, salary or other reward paid or to be paid either to himself or to another person, performs dental operations of any kind, treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who uses the words "dentist," "dental surgeon," the letters "D. D. S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry.

Students.

SECTION 19. Nothing in this act applies to a bona fide student of dentistry in the clinic rooms of a reputable dental college or under the direct supervision of a preceptor who is a licensed dentist in this state, during the regular vacation intervals of a college course, if he has matriculated and is pursuing consecutive courses of study in a reputable dental college.

Physicians and surgeons.

SECTION 20. Nothing in this act applies to a legally qualified physician or surgeon unless he practices dentistry as a specialty, or to a dental surgeon of the United States army or navy; or to a legal practitioner of dentistry of another state, making a clinical demonstration before a dental society, convention, association of dentists or dental college.

Fraud.

SECTION 21. Whoever sells or offers to sell, a diploma conferring a dental degree, or a license granted pursuant to the laws of this state; or who procures such diploma or license with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one upon whom such diploma was conferred, or to whom such license was granted; or who with fraudulent intent alters such diploma or license, or uses or attempts to use the same when altered, shall be fined not less than one hundred dollars nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than sixty days, or both. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

Penalty.

Employes.

SECTION 22. Whoever being a manager, proprietor, operator or conductor of a place for performing dental operations employs a person who is not a licensed dentist to do dental operations as defined in section 18 of this act, or permits such person to so practice dentistry in his office; or whoever practices dentistry under a false name, or assumes a title, or appends or prefixes to his name, letters which falsely represent him as having a degree from a legal dental college; or who impersonates another at an examination held by the state dental board; or who knowingly makes a false application or a false representation in connection with

False application, penalty.

such examination, shall be fined not less than one hundred dollars, nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than sixty days, or both. A subsequent conviction shall be punished by the maximum penalties prescribed in this section.

SECTION 23. Whoever violates a provision of this act, for the violation of which no penalty has been prescribed, shall be fined not less than fifty dollars nor more than one hundred dollars, or be imprisoned not less than ten days nor more than thirty days, or both. A subsequent conviction shall be punished by the maximum penalties prescribed in this act.

Fines, how disposed of.

SECTION 24. All fines or forfeitures of bond in an action for violation of a provision of law relating to the practice of dentistry, shall be paid by the court receiving it, to the secretary of the state dental board.

SECTION 25. The secretary of the state dental board shall enforce the provisions of the laws relating to the practice of dentistry. The prosecuting attorney of a county, or the solicitor of a municipality, wherein a provision of this act is violated, shall, when so requested by the secretary of the board, take charge of and conduct the prosecution.

Annual report.

SECTION 26. The state dental board shall make an annual report to the governor, containing a statement of moneys received and disbursed, and a summary of its official acts during the preceding year.

SECTION 27. Sections 4404 and 6991 of the Revised Statutes are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 7, 1908.

ANDREW L. HARRIS,
Governor.
39G.

[House Bill No. 1022.]

AN ACT

To amend section 2536 of the Revised Statutes, in relation to the expenses of enlarging union cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2536 of the Revised Statutes be amended so as to read as follows:

Expense, how proportioned.

Sec. 2536. The expense of such purchase, or of the proceedings in case of appropriation, and the damages awarded, or both, shall be borne by the corporations and

townships in proportion to the property of each on the duplicate for taxation, and the amount of bonds issued by each in any case, for such cemetery purposes, shall be in the same proportion, and the percentage of taxation for all such cemetery purposes shall be the same in the corporations and townships. Taxation.

Provided that any moneys in the hands of the trustees of such cemetery, arising from the sale of lots or from any other sources, which are not needed to keep in order or embellish said grounds, may by resolution of the council and trustees of the municipalities and townships interested, be applied to the expenses of purchase, or appropriation and damages awarded, or both, in securing additional lands for said cemetery.

SECTION 2. That said original section 2536 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 7, 1908.

ANDREW L. HARRIS,
Governor.
40G.

[House Bill No. 787.]

AN ACT

To amend section 3270 of the Revised Statutes of Ohio, so as to limit the powers of railroad companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3270 of the Revised Statutes of Ohio, be amended to read as follows:

Sec. 3270. A railroad company now existing or hereafter created may maintain and operate, or construct, maintain and operate a railroad, with a single or double track, with such side tracks, turnouts, offices, depots, roundhouses, machine shops, water tanks, telegraph lines, and other necessary appliances, as it deems necessary, between the points named in the articles of incorporation, commencing at or within, and extending to or into any city, village, town or place named as a terminus of its road; but no railroad company now existing, or hereafter created, under and by virtue of the laws of this state or of any other state or country, and having and operating a line of railway in this state, may establish or maintain or assist in establishing or maintaining any relief association or society, any of the rules or by-laws of which shall require of any Relief association.

person or employe becoming a member thereof to enter into a contract, agreement or stipulation, directly or indirectly, whereby such person or employe shall stipulate, or agree to surrender or waive any right of damages against any railroad company for personal injuries or death, or whereby such person or employe agrees to surrender or waive, in case he asserts such claim for damages, any right whatever.

Damages.

SECTION 2. That section 3270 of the Revised Statutes of Ohio is repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
41G.

[House Bill No. 783.]

AN ACT

To authorize township trustees to levy a tax to compensate a hospital association for maintaining free public hospital.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That trustees of each township shall have power to levy and collect a tax not exceeding one mill on each dollar of the taxable property of the township, annually, and to pay the same to a hospital association maintaining and furnishing a free public hospital for the benefit of the inhabitants of the township, or to a hospital association maintaining a public hospital not free except to such inhabitants of the township as are in the opinion of the trustees of such hospital unable to pay, as and for compensation for the use and maintenance of the same, and without change or interference in the organization of such corporation or association; requiring the treasurer of such corporation or association to make an annual financial report, setting forth all the money and property which has come into its hands during the preceding year, and its disposition of the same, together with any recommendation as to its future necessities.

Free public hospital.

Annual report.

Nothing in this act shall be construed to authorize or permit the payment of public funds to any religious or sectarian hospital association.

Provided that in any township, in which there is located a municipality or municipalities the council of which have already made a tax for hospital purposes, as provided by law, the township trustees may make the levy

Municipalities.

herein authorized, upon all taxable property of such township outside of the limits of such municipality or municipalities.

SECTION 2. That the county auditor at each semi-annual collection of taxes, where a tax for hospital purposes has been levied by the township trustees, shall certify the amount collected from said levy for hospital purposes to the township clerk, and the township clerk shall forthwith draw his warrant on the township treasurer, payable to the treasurer of the hospital association for the amount so certified by the auditor.

Certificate of county auditor.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
42G.

[House Bill No. 792.]

AN ACT

To amend section 19 of an act passed March 22d, 1906, entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," relating to the payment of railroad fare and street car fare to sheriffs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 19 of an act passed March 22d, 1906, entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," be amended so as to read as follows:

Sec. 19. The county commissioners shall, in addition to the compensation and salary herein provided, make allowances quarterly to every sheriff for keeping and feeding prisoners under section 1235 of the Revised Statutes, and shall allow his actual and necessary expenses incurred or expended in pursuing or transporting persons accused or convicted of crimes and offenses, in conveying and transferring persons to and from any state asylum for the insane, the institution for feeble-minded youth, Ohio hospital for epileptics, boys' industrial school, girls' industrial home, county homes for the friendless, houses of refuge,

Feeding prisoners.

Expenses in pursuing and transportation.

children's homes, sanitariums, convents, orphan asylums or homes, county infirmaries, and all institutions for the care, cure, correction, reformation and protection of unfortunates, and all expense of maintaining horses and vehicles necessary to the proper administration of the duties of his office; but the county commissioners shall allow the sheriff his actual railroad fare and street car fare expended in serving civil processes and subpoenaing witnesses in civil and criminal cases. Every sheriff shall file under oath with the quarterly report herein provided for, a full, accurate and itemized account of all his actual and necessary expenses, including railroad fare and street car fare, mentioned in this section before the same shall be allowed by the county commissioners.

Itemized account.

SECTION 2. That section 19 of an act passed March 22, 1906, entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
43G.

[House Bill No. 699.]

AN ACT

To authorize the state board of health to require the purification of sewage and public water supplies and to protect streams against pollution.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever the council, or board of health of any city or village, or the commissioners of any county, or the trustees of any township make complaint in writing to the state board of health, setting forth that a city, or village or corporation or person is discharging or permitting to be discharged any sewage or other wastes into any stream, water course, lake or pond and is thereby creating a public nuisance detrimental to health or comfort, or is polluting the source of any public water supply, it shall be the duty of the state board of health to forthwith inquire into and investigate the conditions complained of: and whenever the state board of health finds after investi-

Public nuisance.

gation that the source of public water supply of any city, village or community in this state is being subject to contamination or has been rendered impure by reason of the discharge of sewage or other wastes, or in any other manner by any city, village, corporation or person; or whenever said board finds that such sewage or other wastes have so corrupted any stream, water course, lake or pond as to give rise to foul and noxious odors, or to conditions detrimental to the health or comfort of those residing in the vicinity of such stream, water course, lake or pond, it shall notify such city, village, corporation or person causing the contamination or pollution of any such stream, water course, lake or pond of its findings and give them an opportunity to be heard, and after such hearing if the state board of health determines that improvements or changes are necessary and should be made, it shall report its finding to the governor and attorney general, and upon their approval said board shall notify such city, village, corporation or person to install such works or means satisfactory to said board, for purifying or otherwise disposing of its sewage or other wastes, or to change or enlarge existing works in a manner to be satisfactory to said board; such works or means must be completed and put into operation within a time to be fixed by said board, which time shall be subject to the approval of the governor and attorney general. Provided that no city or village that is now discharging sewage into any river which separates the state of Ohio from another state shall be required to install sewage purification works as long as the unpurified sewage of cities or villages in any other state is discharged into said river above said Ohio city or village.

Noxious odors.

Report of state board to governor and attorney general.

River on state boundary.

SECTION 2. Whenever the board of health or health officer of any city or village, or ten per cent. of the electors thereof file with the state board of health a complaint in writing, setting forth that it is believed that the public water supply of such city or village is impure and dangerous to health, it shall be the duty of the state board of health to forthwith inquire into and investigate the conditions complained of; and whenever the state board of health finds after investigation, that the public water supply of any city or village is impure and dangerous to health and that it is not practicable to sufficiently improve the character of such supply by removing the source or sources of pollution affecting it, or if said board finds that such water supply is being rendered impure by reason of improper construction or inadequate size of existing water purification works, it shall notify such city, village, corporation or person owning or operating such water supply of its findings and give them an opportunity to be heard, and after such hearing if the state board of health determines that improvements or changes are necessary and should be made, it shall report its findings to the governor and attorney general, and upon their approval said board shall notify such city, village,

Complaint of 10% of electors.

Notice to be given.

Order given by state board.

corporation or person owning or operating such water supply to change the source of supply or to install and place in operation water purification works or device satisfactory to said board, or to change or enlarge existing water purification works in a manner satisfactory to said board, within a time to be fixed by said board, which time shall be subject to the approval of the governor and attorney general.

SECTION 3. Whenever the state board of health finds, upon investigation, that any water or sewage purification works, on account of incompetent supervision or inefficient operation, is not producing an effluent as pure as might reasonably be obtained from such plant, and by reason of which any public water supply has become dangerous to health, or any stream or body of water has become offensively polluted, or has become a public nuisance, said board shall issue an order to the officer, board or department of any city or village, or the corporation or person having charge of or owning such plant, to secure an effluent as pure as might be reasonably expected from such plant and satisfactory to said board; and if such officer, board or department of any city or village, or such corporation or person fails, for a period of five days after receiving such order, to secure such an effluent, the state board of health shall report the fact to the governor and attorney general and upon their approval may order such officer, board or department, or owner of such plant, to appoint within ten days, and pay the salary of, a competent person, to be approved by said state board of health to take charge of and operate such works so as to secure the results demanded by the state board of health.

State board may appoint competent person.

SECTION 4. If in any case any order of the state board of health, when approved by the governor and attorney general, and made in pursuance to the provisions of this act, is not acceptable to any city, village, corporation or owner affected thereby, such city, village, corporation or owner shall have the right of appeal as follows, to-wit: The necessity for and reasonableness of such order may be submitted to two reputable and experienced sanitary engineers, one to be chosen by the city, village, corporation or owner to which such order of the state board of health applies and the other chosen by the state board of health, who shall not be regularly employed by said board, and who shall act as referee engineers. If the engineers so chosen are unable to agree then they shall choose a third engineer of like standing, and the vote of the majority shall be final and binding. The referee engineers, herein provided for, shall have power to affirm, modify, or reject, the order of the state board of health submitted to them, and their decision, as reported in writing to the governor and attorney general, which shall be rendered within a reasonable time, shall be accepted by the state board of health, and shall be enforced by said board in the manner provided for in this act. The fees and expenses of said

Appeal.

Referee engineers.

referee engineers shall be equally divided between the city, village, corporation or owner requesting such reference and the state board of health. Expense, how proportioned.

SECTION 5. It shall be the duty of every such municipal council, department or officer having jurisdiction to provide for the raising of revenues by tax levies, sale of bonds, or otherwise to take all steps necessary to secure the funds for any such purpose or purposes; and when so secured, or the bonds thereof have been authorized by the proper municipal authority, the same shall be considered as in the treasury and appropriated for such particular purpose or purposes, and cannot be used for any other purpose; provided, that the bonds herein authorized to be issued for the purposes enumerated in this act shall not exceed five per cent. of the total value of all property in any city or village, as listed and assessed for taxation, which may be in addition to the total bonded indebtedness allowable under the provisions of section two thousand eight hundred and thirty-five of the Revised Statutes, but the question of the issuance of such bonds shall not be required to be submitted to a vote. Tax levies. Bond limit, 5%.

SECTION 6. If any council, department or officer of any municipality, or person or private corporation, shall fail or refuse for a period of thirty days after notice given him or them by the state board of health of its findings and the approval thereof by the governor and attorney general of the state of Ohio, to do and perform any act or acts required of him or them to be done and performed by this act, such members of council or department, and such officer or officers, or person or private corporation shall be and become personally liable for such default, and upon conviction thereof shall forfeit and pay to the state board of health five hundred dollars to be deposited with the state treasurer to the credit of said board; provided, however, that the governor and attorney general, upon good cause shown, may, in their discretion, remit said penalty, or any part thereof. Failure to obey orders. Personal liability.

SECTION 7. An action may be begun for the recovery of any such penalty by the prosecuting attorney of any county in the name of the state of Ohio in the court of common pleas of such county having jurisdiction of any such party or parties; or it may be begun by the attorney general in any such county or in the county of Franklin, as provided for by sections 210 and 211 of the Revised Statutes of Ohio. Penalty, how collected.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
44G.

[House Bill No. 734.]

AN ACT

To amend section 6565 of the Revised Statutes of Ohio, relating to bills of exceptions on trials before justices, mayor or police judge.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6565 of the Revised Statutes of Ohio, be amended so as to read as follows:

Bills of exceptions.

Sec. 6565. In all cases before a justice of the peace, mayor or police judge, whether tried by jury or the justice, mayor or police judge, either party shall have the right to except to the decisions of the justice, mayor or police judge, upon any matters of law arising in the case.

Exceptions must be made, when.

The party objecting to the decision must except at the time the decision is made, and on application made then or immediately after the overruling of a motion for a new trial, decision rendered or sentence pronounced time shall be given to reduce the exceptions to writing, but not more than ten days nor less than five days beyond the date of overruling the motion for a new trial, if such motion be made, or from the date on which the decision or sentence of the justice, mayor or police judge, is rendered; when the decision objected to is entered or pronounced on the record and the grounds of the objection appear in the entry, the exception may be taken by the party causing to be noted at the end of the entry, that he excepts, but when the decision is not entered on the record or the grounds of the objection do not sufficiently appear in the entry, or exception is to the decision of the court on a motion to direct a nonsuit, or to arrest the testimony from the jury, or for a new trial, because the verdict, or if a jury is waived the finding of the court is against the law and the evidence, or on the admission or rejection of evidence, the party excepting must reduce this exception to writing, and present the same to the trial justice, mayor or police judge, or his successor, within the time herein limited, and if such bill of exceptions be not correct he shall make the necessary corrections therein within three days after it is so presented, and when correct shall sign the bill of exceptions and file the same with the papers in the case, and note such signing and filing in his docket, and transmit the same with the transcript of his docket and original papers, within ten days of the date of such signing, to the clerk of the court of common pleas and by him filed and entered upon his trial docket as in other cases. The party demanding such transcript shall, if required, pay the fees of the justice, mayor or police judge, therefor in advance..

Grounds of objection in entry.

Non-suit or new trial.

Incorrect bill.

Fees.

SECTION 2. Said section 6565 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
45G.

[House Bill No. 1026.]

AN ACT

To amend section 6426 of the Revised Statutes, relating to challenges to jurors in appropriation cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6426 of the Revised Statutes be amended so as to read as follows:

Sec. 6426. When the jury box is filled with twelve disinterested jurors, the owners of the property which is the subject of the trial, jointly, and the petitioner, shall each have the right to four peremptory challenges, and to challenge for cause, and all vacancies arising in the jury from challenge, or otherwise, shall be filled by talesmen having the qualifications prescribed in the last section, to be ascertained as therein provided.

Peremptory challenges.

SECTION 2. That said section 6426 be, and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 7, 1908.
Approved April 8, 1908.

ANDREW L. HARRIS,
Governor.
46G.

[House Bill No. 888

AN ACT

To amend section 4030 of the Revised Statutes, relating to yearly enumeration of school youth.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4030 of the Revised Statutes be amended so as to read as follows:

Annual enumeration.

Sec. 4030. There shall be taken in each district, annually, during the two weeks ending on the fourth Saturday of May, an enumeration of all unmarried youth noting sex, between six and twenty-one years of age, resident within the district, and not temporarily there, designating also the number between six and eight years of age, the number between eight and fourteen years of age, the number between fourteen and sixteen years of age, the number between sixteen and twenty-one years of age, and the number residing in the Western Reserve, the Virginia Military district, the United States Military district, and in any original surveyed township or fractional township to which belongs section 16, or other land in lieu thereof, or any other lands for the use of public schools, or any interest in the proceeds of such lands. When taking the enumeration provided for in this section, the person appointed to take such enumeration, shall make every effort to ascertain as near as possible the number of imbeciles or feeble-minded children between the ages of six and twenty-one, resident within the district, and shall keep an accurate list of the names, sex, age and place of residence of all such children, and shall make said list a part of his report to the clerk of the board of education. And there shall also be so taken an accurate enumeration of all physically disabled, blind or deaf or mute children, noting sex between six and twenty-one years of age, resident within the district.

School lands.

Feeble-minded children.

Blind, deaf or mute.

SECTION 2. That said section 4030 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

47G.

[House Bill No. 1009.]

AN ACT

To amend section 1 of an act entitled, "An act to regulate the manufacture and sale of commercial feed stuffs," passed April 25th, 1904.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to regulate the manufacture and sale of commercial feed stuffs," passed April 25, 1904, be amended so as to read as follows:

Sec. 1. Every manufacturer of commercial feed stuffs, and every person, firm or company that shall sell, offer for sale or expose for sale the same in this state, shall furnish with each car or other amount shipped in bulk, and shall affix to every package of such commercial feed stuffs, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the shipment, or in each package containing such commercial feed stuffs, the name or trade mark under which it is sold, the name of the manufacturer or shipper, the place of manufacture or the place of business of the shipper, and a chemical analysis stating the percentage it contains of crude protein (allowing one per centum of nitrogen to equal six and one-fourth per centum of protein), crude fat and crude fiber; and such printed statement shall further clearly and truly show the proportions of corn, oats, rye, wheat, wheat bran, wheat middlings, cotton seed meal, linseed meal, oat hulls, rice hulls, corn cob or other product contained in such commercial feed stuffs.

Feed stuffs.

Certificate, what to contain.

Proportion of corn, oats, rye, etc.

SECTION 2. That said original section 1 of an act entitled, "An act to regulate the manufacture and sale of commercial feed stuffs," passed April 25, 1904, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

48G.

[House Bill No. 964.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for the protection of persons injured by mad dogs," passed March 29, 1904, to provide for protection of persons injured by cats, dogs and other animals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to provide for the protection of persons injured by mad dogs," passed March 29, 1904, be amended so as to read as follows:

Sec. 1. That any person who shall be bitten or injured by a dog or canine, cat or feline, or other animal, which at the time of the biting or injury to said person was suffering from or afflicted with what is known as rabies, and which said bite or injury by said dog or canine, or other animal, cat or feline, caused said person to employ medical or surgical treatment, and required of said person the expenditure of money in the care and treatment resulting from said bite or injury, may present a detailed and itemized account of the actual expenses incurred and amount paid for medical and surgical attendance, verified by affidavit of said injured person, administrator or executor and attending physician; but if said injured person be a minor the said affidavit must be made by the parent of said minor or his duly appointed and qualified guardian, attending physician or administrator or executor. Said detailed statement as aforesaid must be presented within four months after the injury was received, at a regular meeting of the county commissioners of the county where the said injury was received. The county commissioners shall, within a reasonable time and not later than the third regular meeting after the presentation of said verified account as aforesaid, examine the same, and if found in whole or in part correct and just, may in their discretion order the payment thereof, or such parts as they may have found in their judgment correct and just to be paid out of the general fund of the county, but no one person shall receive for any one injury under this act a sum exceeding five hundred ($500.00) dollars.

Mad dog or any animal with rabies.

Itemized account.

Statement, presented to commissioners.

How paid.

Maximum amount.

SECTION 2. That said original section 1 of an act entitled, "An act to provide for the protection of persons injured by mad dogs," passed March 29, 1904, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

49G.

[House Bill No. 991.]

AN ACT

To amend section 2573 of the Revised Statutes, as amended April 19, 1883, in relation to fire escapes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2573 of the Revised Statutes, as amended April 19, 1883, shall be so amended as to read as follows:

Fire escapes.

Sec. 2573. It shall be the duty of any owner or agent for owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house be more than two stories high, to provide convenient exits from the different upper stories of said building, which shall be easily accessible in case of fire, and any owner or person having control of any such inn or public house where travelers or boarders are lodged in any story above the second story of the building, shall also provide a good rope or other life line for each sleeping room for guests in such stories; and it shall be the duty of any owner or agent for owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house, be more than three stories high, in addition to the provisions governing three-story buildings, to provide a life-saving device or net, which shall be approved by the fire chief of the city, or village in which such factory, workshop, tenement house, inn, or public house is situated, or if any such building be situated outside of the city or village, said life-saving device or net herein provided for shall be approved by the state inspector of workshops and factories; that said life-saving device or net shall be kept on the first floor at or near the entrance of said factory, workshop, tenement house, inn, or public house.

Hotels.

Life line for each room.

Net, where to be kept.

SECTION 2. That said original section 2573 of the Revised Statutes, as amended April 19, 1883, be and the same is hereby repealed, and this act shall take effect and be in force from and after the first day of August, A. D. 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

50G.

[House Bill No. 794.]

AN ACT

To amend section 14 of an act passed May 15, 1894, entitled, "An act relating to the conduct of elections to pay the expense of elections."

Be it enacted by the General Assembly of the State of Ohio:

Expenses, how paid.

SECTION 1. That section 14 of an act passed May 15, 1894, entitled "An act relating to the conduct of elections" be amended so as to read as follows:

Sec. 14. All expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks, and all other proper and necessary expenses of any general or special election, including compensation of precinct election officers, shall be paid out of the county treasury as other county expenses.

In November elections held in odd numbered years, such compensation and expenses shall be a charge against the township, city, village or political division in which such election was held, and the amount so paid by the county shall be retained by the county auditor from the funds due to such township, city, village or political division, at the time of making the semi-annual distribution of taxes; the county commissioners, township trustees, councils, boards of education, or other authorities authorized to levy taxes, shall make the necessary levy to meet such expenses, which levy may be in addition to other levies authorized or required by law; the amount of all such expenses shall be ascertained and apportioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In the case of municipalities situated in two or more counties, the proportion of expense charged to each of the counties shall be ascertained and apportioned by the clerk of the corporation, and certified by him to the several county auditors.

County auditor to retain funds.

Tax levy.

Municipality, situated in two or more counties.

SECTION 2. That section 14 of an act passed May 15th, 1894, entitled, "An act relating to the conduct of elections" be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

51G.

[House Bill No. 887.]

AN ACT

To amend section 4007 of the Revised Statutes, relating to elementary schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4007 of the Revised Statutes be amended so as to read as follows:

Sec. 4007. Each board of education shall establish a sufficient number of elementary schools to provide for the free education of the youth of school age within the district under its control, at such places as will be most convenient for the attendance of the largest number of such youth, and shall continue each and every elementary day school so established not less than thirty-two nor more than forty weeks in each school year, and all the elementary schools within the same school district shall be continued the same length of time. All boards of education are required to prescribe a graded course of study for all schools under their control in the branches named in section 4007-1 of the Revised Statutes of Ohio, subject to the approval of the state commissioner of common schools. Each township board of education shall establish and maintain at least one elementary school in each sub-district under its control, unless transportation is furnished to the pupils thereof as provided by law. The board of education in any city school district may establish and maintain a normal school within its respective district and may establish and maintain such summer or vacation schools, school gardening and play grounds as in its discretion seems desirable.

Elementary schools.

Minimum and maximum school weeks.

Graded course of study.

Normal school.

SECTION 2. That said section 4007, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.

52G.

[House Bill No. 847.]

AN ACT

To amend section 1 of an act entitled, "An act to provide against gypsies, travelers, wanderers, or other persons from occupying the highway, or lands adjacent thereto without permission," passed March 25, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to provide against gypsies, travelers, wanderers, or other persons from occupying the highway, or lands adjacent thereto without permission," passed March 25, 1896, be amended to read as follows:

Sec. 1. That it shall be unlawful for any band of gypsies, wanderers, travelers, or any other person or persons, to camp in tent, wagon or otherwise, or to build, make or start any fire on the public highway, or lands adjacent thereto, without first having obtained the written consent of the agent, manager, owner, or owners of the land abutting on the highway, where such proposed camp or stop is to be made.

Fires. Written consent.

SECTION 2. That section 1 of an act entitled, "An act to provide against gypsies, travelers, wanderers, or other persons from occupying the highway, or lands adjacent thereto without permission," passed March 25, 1896, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
53G.

[Senate Bill No. 361.]

AN ACT

To amend section 3710 of the Revised Statutes relative to appointing special constables.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3710 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3710. A justice of the peace may, on the application of a state, county, township or an independent agricultural society, or industrial association, or other association or meeting of citizens for the purpose of promoting

social or literary intercourse, appoint a suitable number of special constables to assist in keeping the peace during the time when such society or assembly is holding its annual fair or meeting and shall make an entry in his docket of the number and names of all such persons so appointed. Special constables. Annual fair.

SECTION 2. That section 3710 of the Revised Statutes of Ohio is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
54G.

[Senate Bill No. 573.]

AN ACT

To repeal section 1121 of the Revised Statutes of Ohio, relating to the actual expenses of county treasurers in the transmission of moneys to or from the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1121 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
55G.

[House Bill No. 728.]

AN ACT

To amend section 2825 of the Revised Statutes of Ohio, relative to the building of public bridges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2825 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2825. The county commissioners shall not levy any tax, or appropriate any money for the purpose of building public county buildings, purchasing sites therefor, or

Bridges.

for lands for infirmary purposes, or for building any bridge, except in case of casualty, and except as hereinafter provided, the expenses of which will exceed fifteen thousand dollars, without first submitting to the voters of the county, the question as to the policy of building any public county building or buildings, or for the purchasing sites therefor, or for the purchase of lands for infirmary purposes by general tax.

Submitting to vote.

Vote to be submitted, when.

Which said submission shall be made at the annual fall election, next after the proposition for such levy is adopted by the commissioners and placed on their record, or at a special election at a time fixed thereafter by resolution of the county commissioners for that purpose, upon the petition for such special election filed with said board of commissioners of not less than five hundred of the electors of any such county.

Each proposition shall be separately submitted, and printed tickets shall be provided by the commissioners, on which shall be printed, "For.....tax, yes," and "For.....tax, no," which blanks shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election for state and county officers.

Form of tickets.

Duties of judges.

It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted, as aforesaid, on the day of said election, to open a poll for taking said vote, and to receive and count the ballots cast on each of such propositions, and within three days thereafter to return to the auditor of the county, a full and correct abstract of said votes; and the said judges of election shall, in all respects be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury on the order of the auditor.

Compensation.

Poll-books.

And the poll-books so returned shall, within five days from the time of holding such election, be opened, and the votes counted by the commissioners and the auditor of the county, a correct statement of the result of which votes shall be kept by said auditor and filed (on file) in his office for public inspection.

If a majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred taxpayers of said county again submit the same question at any regular annual fall election, under the same rules and regulations as before provided, or at a special election at a time fixed thereafter by resolution of the county commissioners for that purpose.

Petition of 100 taxpayers.

If at any such election a majority shall be found in

favor of the improvement as aforesaid, then the commissioners shall be authorized to proceed to levy the tax. Levy.

Provided, that this section shall not apply to the construction of any public buildings or bridges, commenced or contracted for prior to the passage of this title, or for which the commissioners have in good faith purchased the grounds, or acquired the material for the same, and are not proceeding to construct. Exceptions.

And provided further that in case an important bridge belonging to or maintained by any county has become or may hereafter become dangerous to public travel by decay or otherwise and shall have been condemned for public travel by the commissioners of such county and the repairs thereof, or the building of a new bridge in place thereof, is deemed by them to be necessary for the public accommodation, the commissioners of such county are hereby authorized, without first submitting the question to the voters of the county, to levy a tax for either of said purposes in an amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property upon the tax duplicate of said county, and if the said commissioners deem it necessary or advisable in any case, they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied at any rate of interest not exceeding six per cent. per annum, payable semi-annually, and may issue notes or bonds therefor, payable when said tax shall be collected; or said commissioners without such submission of the question, may proceed under the authority conferred by section 871 of the Revised Statutes to borrow such sums of money as may be necessary for either of the purposes before mentioned, and to issue bonds therefor, and for the payment of the principal and interest on such bonds, said commissioners shall annually levy a tax as provided in section 873 of the Revised Statutes. Levy, without submitting to vote. Bonds.

SECTION 2. That said original section 2825 of the Revised Statutes be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.

56G.

[House Bill No. 746.]

AN ACT

To amend sections 1, 2, 4, 5 and 6 of the act entitled "An act to provide for the regulation and government of Chautauqua assemblies, so-called, or other institutions or gatherings held for the dissemination or encouragement of religion, art, science, literature, etc., where the grounds or the premises are in two or more adjoining counties, by empowering such organizations to adopt rules; providing what shall be violations thereof; giving justices of the peace, mayors, etc., jurisdiction of such offenses, and authorizing the appointment of special policemen," passed April 14, 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2, 4, 5 and 6 of the act entitled, "An act to provide for the regulation and government of Chautauqua assemblies, so-called, or other institutions or gatherings held for the dissemination or encouragement of religion, art, science, literature, etc., where the grounds or the premises are in two or more adjoining counties, by empowering such organizations to adopt rules; providing what shall be violations thereof, giving justices of the peace, mayors, etc., jurisdiction of such offenses, and authorizing the appointment of special policemen," passed April 14, 1902, be amended so as to read as follows:

Chautauqua assemblies.

Sec. 1. Any corporation duly incorporated under the laws of the state of Ohio for the purpose of holding Chautauqua assemblies, so-called, or for the purpose of the encouragement of religion, art, science and literature, or for the purpose of general dissemination of knowledge, or for two or more of such purposes, that occupies grounds, in any county, or part of which is in one county and part of which is in an adjoining county, and that holds meetings or entertainments thereon for the advancement of the purposes of its incorporation, may, through its board of directors, or trustees make such rules and regulations for the government of such grounds, not inconsistent with the laws of the state, as will promote the purposes for which it is incorporated; and such corporation may have one or more special policemen appointed on application of the board of directors or general manager of the affairs of such corporation by any justice of the peace in any township in which such grounds or a part of such grounds is situated. Such policemen shall be police officers with the same powers within and about the whole of such grounds as are vested in such officers in villages or cities in any county in which such grounds, or any part of such grounds, are situated. Their duty when appointed shall be to preserve order and to prevent disturbances and breaches of the peace in and about the buildings and on and about the grounds used for such meetings and entertainments or on or in grounds or structures or buildings pertaining or leading thereto, and to protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise,

Rules and regulations.

Special policemen.

Powers of special police.

causing any disturbance or committing any breach of the peace, or committing any misdemeanor, or willfully violating any of the provisions of this act or the established rules and regulations of such corporation for the government of such grounds, or committing any willful trespass upon such grounds, or such structures or in, or upon such buildings or any part thereof, and to convey such person or persons so arrested, before any magistrate having jurisdiction of the offense to be dealt with according to law.

Persons arrested, conveyed where.

Sec. 2. Any willful trespass in or upon any of the buildings, structures, or grounds provided or used for one or more of the purposes named in section 1 of this act, and any willful injury to any of such buildings, or to such grounds, or to any trees or shrubs, or to any fence, fixtures, or other property, thereon or pertaining thereto and any willful disturbance of the peace and quiet of such grounds by intentional breach of the rules and regulations thereof shall be misdemeanors punishable by fine and imprisonment or either, and concurrently with courts of record of this state, justices of the peace, mayors and police justices in any county in which such grounds or any part of such grounds is situated shall have the same jurisdiction of such offenses as they have of other cases of misdemeanor committed within their jurisdiction and shall have the jurisdiction over the person brought before them in the form and manner prescribed in the first section of this act. And the keeper of jails, lock-ups or station houses in any county in which such grounds, or any part of such grounds, are situated shall receive all persons arrested under this act to be dealt with according to law.

Misdemeanors.

Sec. 4. A person who with intent to defraud, forges, counterfeits, or falsely alters or wrongfully utters any ticket, contract or other paper or writing, entitling or purporting to entitle the person whose name appears therein, or the proprietor thereof, to entrance upon the grounds or premises of any corporation owning or conducting a camp ground or park or being thereupon to remain upon any such grounds or premises, named in section 1 of this act, and a person who with intent to defraud, uses such forged, counterfeited, or falsely altered ticket, contract, or other paper or writing, to effect an entrance upon such grounds or premises, and a person who, being upon such grounds or premises, with like intent, uses such forged, or counterfeited, or falsely altered ticket, or contract, or other writing, as evidence of his right to remain upon such grounds or premises, and a person who, with like intent, sells, exchanges, or delivers, or keeps, or offers for sale, exchange or delivery or receives upon any purchase, exchange or delivery, any such ticket, contract or other paper or writing knowing the same to have been forged, counterfeited or falsely altered, is guilty of a misdemeanor and punishable by fine or imprisonment or both, and justices of the peace, mayors, and police justices in any county in which such

Forged tickets, etc.

Officers having jurisdiction to act.

grounds or a part of such grounds are situated shall have the same jurisdiction of such offense as they have of other cases of misdemeanor committed within their jurisdiction.

Camp ground or park.

Sec. 5. A person who, with intent to defraud any corporation named in section 1 of this act, or with intent to defraud any corporation owning or conducting a camp ground or park by means of a ticket, contract or other paper or writing, appearing on its face not negotiable, and which entitled or purports to entitle, the person whose name appears therein to entrance upon the grounds or premises, or being thereupon to remain upon such grounds or premises of such corporation, shall falsely personate any individual or individuals named in such ticket, contract or other paper, or writing as the grantee or beneficiary thereof, with intent to wrongfully convert to his or her own use the benefits secured, or which purport to be secured, by such ticket, contract, or other paper, or writing, to the person or persons named therein as the grantee or beneficiary thereof, and who shall by such false personation secure such benefit, and a person who, with like fraudulent intent, shall attempt so falsely to personate the person or party named in such ticket, contract or other paper or writing, with intent to defraud such corporation and to wrongfully convert to his or her own use the benefit secured or which is purported to be secured by such ticket, contract or other paper or writing, to the person or party named therein as the grantee or beneficiary thereof, and also a person who remains upon such grounds or premises without a right or the evidence of a right to do so, and thereby secures the benefit of such privilege, and, with intent to defraud, attempts to leave such grounds, ignoring the demand for payment of just remuneration, is guilty of a misdemeanor, punishable by fine or imprisonment or both, and justices of the peace, mayors and police justices in any county in which such grounds or a part of such grounds are situated shall have the same jurisdiction of such offense as they have of other cases of misdemeanor committed within their jurisdiction.

False personation.

Penalty.

Sec. 6. Any person violating any of the provisions of this act shall be fined in any sum not less than five dollars nor more than one hundred dollars, or imprisoned in a workhouse, or county jail not less than ten days nor more than thirty days, or both.

SECTION 2. That said original sections 1, 2, 4, 5 and 6 be and the same are hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.

[House Bill No. 752.]

AN ACT

To provide for the redemption of county bonds, required by the act authorizing their issue, to be paid by moneys derived from a particular source, and where such source has proved inadequate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That, when county bonds have been issued and sold under an act of the general assembly, passed prior to the year 1860, authorizing such issue for the purpose of improving any public road and providing for the payment of the same by tolls, and requiring their redemption by moneys derived from such source, and when it has been demonstrated, during the shortest period provided in such act, within which such bonds could be redeemed by such county, that adequate moneys to redeem such bonds cannot be derived from such source so provided for their redemption.

Bonds sold under an act passed prior to 1860.

Tolls.

Then, at any period after the expiration of said short term designated for such bonds, the county commissioners of such county are hereby authorized to redeem said bonds, in the manner provided by law for the redemption of county bonds, using for the payment thereof any unexpended balance or balances in any county fund, which has been provided for a particular purpose and has proved larger than required for the purpose designed by the act under the provisions of which such fund or funds were derived.

Commissioners may redeem.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
58G.

[House Bill No. 841.]

AN ACT

To amend section 2656 of the Revised Statutes, relating to the vacation of streets and alleys.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2656 of the Revised Statutes be amended to read as follows:

Sec. 2656. Notice of the pendency, object and prayer of a petition for the vacation or establishment of a street or alley, as aforesaid, shall be served upon the municipality

Vacation of street or alley.

Process, service of.

in which such street or alley is to be vacated or established in the manner provided by law for service of summons, and shall be given by publication in some newspaper of general circulation in the county in which such street or alley is located for four consecutive weeks, on the same day of the week, and the cause may be heard and determined at any time after the expiration of ten days from the date of last publication; and if any person, other than the petitioner, owning a lot in the immediate vicinity of such street or alley prayed to be vacated or established, claims that he will sustain damage thereby, the court may proceed to hear proof in reference thereto and may render judgment against the petitioners for such damages as it may think just, and the same shall be assessed by the court against the petitioners ratably, according to the value of the property owned by them, as the same stands taxed on the tax list of the county; and a jury may be demanded as in other cases; and when necessary, the court shall appoint a guardian ad-litem for all minors or persons of unsound mind who may be interested in the premises.

Publication.

Claims for damages.

Jury.

SECTION 2. That said section 2656 of the Revised Statutes is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
59G.

[House Bill No. 961.]

AN ACT

To create an office for the auditing and collecting of soldiers' claims, and for the relief of Ohio soldiers.

Be it enacted by the General Assembly of the State of Ohio:

Collecting Ohio soldiers' claims.

SECTION 1. That for the purpose of preparing and collecting the claims of Ohio soldiers, sailors and marines and their legal representatives, against the government of the United States, growing out of military or naval services, and for the protection and relief of Ohio soldiers, whether in service or discharged, there be and is hereby established, at the seat of government of the state "A Department of Ohio Soldiers' Claims."

Commissioner, appointment of.

SECTION 2. The chief of said office shall be styled the "commissioner of soldiers' claims," and shall be appointed by the governor, with the advice and consent of the senate, and shall hold his office for the term of two years, and until

his successor is appointed and qualified, subject to removal by the governor. He shall give bond to the acceptance of the governor in the sum of ten thousand dollars, payable to the state of Ohio, conditioned for the paying over according to law all moneys which may come into his hands by virtue of his office which bond shall be deposited with the treasurer of state. That said commissioner shall receive a salary of two thousand five hundred dollars per annum, be furnished with a suitable office, and may appoint such clerical assistance as may be approved by the governor, and shall receive from the secretary of state all necessary stationery. It shall be the duty of said commissioner, on demand, to furnish and give all instructions and advice, to the soldiers, sailors and marines of Ohio, or their heirs or legal representatives, respecting the claims of such soldiers, sailors and marines, against the United States, for pensions, bounty, back pay or otherwise, by reason of military or naval service, and to collect such claims. He shall furnish blanks, prepare applications and give full instructions to soldiers, sailors and marines, or their heirs for the following purposes: Applications for admission to State and National Military Homes for disabled soldiers, sailors and marines, Home for Soldiers, their Wives, Widows, Mothers and Army Nurses at Madison, Ohio, Soldiers' and Sailors' Orphans' Home, Xenia, Ohio, and shall, on request, furnish the Soldiers' Relief Commission of the several counties of the state, copies of the state laws, relating to the Soldiers' Relief and Burial Fund.

Bond, where deposited.

Duties of commissioner.

For the purpose of assisting soldiers in prosecuting claims, who are in hospitals or totally disabled, he shall visit officially the State Soldiers' Home at Sandusky, Ohio, and the National Military Home at Dayton, Ohio, at least once every three months, and at the discretion of the governor, he shall visit officially the several government departments at Washington, D. C., and examine personally evidence filed in rejected and other claims as may seem for the best interest of claimants, and perform all other duties which the governor may require of him, appertaining to the duties of said office.

Official visits.

He shall keep correct accounts showing all moneys received, from whom and when, and when paid out. He shall keep a register showing the situation and disposition of each claim, and his books shall at all times be open to inspection. If any such commissioner or clerk shall receive any fee or reward of any kind, directly or indirectly, from any claimant or other person, for services rendered or to be rendered, relating to any duty required of him under this act, or in any manner connected therewith, he shall be deemed guilty of a misdemeanor, and be fined in any sum not exceeding five hundred dollars, or be confined in the jail of the county not exceeding thirty days, or both, at the discretion of the court. All prosecutions under this act shall be by indictment in the court of common pleas of the

Accounts to be kept.

Misdemeanor.

Penalty.

proper county. The said commissioner shall have the power to administer oaths and affirmations; he shall keep a seal of office, and his official certificate shall be received in evidence without further authentication.

Seal.

SECTION 3. That an act entitled "An act to create an office for the auditing and collecting of soldiers' claims, and for the relief of Ohio soldiers," passed April 14, 1900, hereby is repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908..
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
60G.

[House Bill No. 962.]

AN ACT

To provide that assessors shall collect names and postoffice addresses of soldiers of Mexican War, War of the Rebellion and Spanish-American War,

Be it enacted by the General Assembly of the State of Ohio:

Duties of assessors.

SECTION 1. The assessor in each township as township assessor of his township, and each city or ward, or precinct assessor, as assessor of his ward or precinct, shall make and deliver to the county auditor of their respective counties, at the time of making their annual assessment in the year, 1908, a corrected list of all persons who served in the United States army, navy or marine corps during the Mexican War, the War of the Rebellion and Spanish-American War, and the Philippine insurrection, designating the rank, company, regiment, battery or vessel in which they served and their present residence, town and county, which several lists shall be returned with assessor's books to the county auditor, who shall, on or before the first day of September, 1908, certify to the commissioner of soldiers' claims a true copy of said lists, alphabetically arranged.

Report, what to contain.

Duty of auditor.

SECTION 2. The commissioner of soldiers' claims, on receipt of said lists from the county auditors, shall proceed to consolidate said lists alpnabetically, and shall keep said list upon file in his office. The county auditor of each county shall furnish the assessors of his county such blanks as may be necessary for taking the aforesaid statement. Any county auditor, township assessor, city or ward assessor, who shall fail or refuse to perform any of the duties required of him by this act, shall be deemed guilty of

Alphabetical list.

a misdemeanor, and upon conviction shall be fined in a sum not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each and every offense. Misdemeanor. Penalty.

SECTION 3. The act entitled, "An act to provide for the publication of names of ex-soldiers, sailors and marines residing in Ohio," passed May 4, 1894, as amended, is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
61G.

[House Bill No. 1004.]

AN ACT

To amend section 1 of an act entitled, "An act to enable associations to convey to township trustees public burying grounds," passed April 21, 1898, where the title has been conveyed to a church.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to enable associations to convey to township trustees public burying grounds," passed April 21, 1898, be amended so as to read as follows:

Sec. 1. That whenever any public burying ground is located in any township and not under the control of any municipal corporation, the title or control of which is vested in any association or trustees thereof, or where the title has been conveyed to a church or the trustees thereof for the erection of a church or other church purposes and the same has also been used for cemetery purposes, for twenty-one years or more, but has ceased to be used for church purposes, such association, church, or the trustees thereof may convey the same to the trustees of such township and their successors in office; and the trustees of such township shall accept the same and take possession thereof, and take care of and keep the same in repair, and hold, treat and manage the same in all respects as required by the statute relating to public burying grounds in and belonging to such township, subject however, to any rights of the original grantor, his heirs or assigns.

Conveyance to township trustees.

Duties of trustees.

SECTION 2. That section 1 of an act entitled, "An act

to enable associations to convey to township trustees public burying grounds," passed April 21, 1898, be and same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
62G.

[House Bill No. 1027.]

AN ACT

To amend section 6835 of the Revised Statutes, defining the crime of burglary, and fixing the penalty therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6835 of the Revised Statutes, be amended to read as follows:

Inhabited dwelling.

Penalty.

Uninhabited dwelling.

Penalty.

Burglars' tools.

Penalty.

Sec. 6835. Whoever in the night season maliciously and forcibly breaks and enters any inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value, shall be imprisoned in the penitentiary during life; but upon recommendation of mercy by the jury shall be imprisoned not more than thirty years nor less than five years; and whoever in the night season maliciously and forcibly breaks and enters, or attempts to break and enter, any uninhabited dwelling house, or any kitchen, smoke-house, shop, office, storehouse, warehouse, malthouse, stillhouse, mill, pottery, factory, water craft, schoolhouse, church, or meeting house, barn or stable, railroad car, car factory, station house, hall or any other building, or attempts to break and enter any uninhabitated dwelling house with intent to steal property of any value, or with intent to commit a felony, shall be imprisoned in the penitentiary not more than fifteen years, nor less than one year; and if any person shall have, or keep in his possession any tools, implements, or any other things used by burglars for house breaking, forcing doors, windows, locks, or buildings, or other places where goods, wares, merchandise, or money is kept with the intention of using such tools or implements burglariously, shall be imprisoned in the penitentiary not more than five years nor less than one year.

SECTION 2. That said section 6835 be, and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.

63G.

[House Bill No. 1039.]

AN ACT

To amend sections 1, 2 and 3 of an act entitled, "An act authorizing the burial of honorably discharged ex-Union soldiers who served in the War of the Rebellion of 1861 to 1865," as amended April 16th, 1900, to provide an increased fund for burial of indigent soldiers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1, 2 and 3 of an act entitled, "An act authorizing the burial of honorably discharged ex-Union soldiers who served in the War of the Rebellion of 1861 to 1865," as amended April 16th, 1900, be and the same is hereby amended so as to read as follows:

Sec. 1. That it shall be the duty of the county commissioners of each county in the state to appoint two suitable persons in each township and ward in their respective counties, other than those prescribed by law for the care of paupers and the custody of criminals, whose duty it shall be to contract with the undertaker selected by the friends of any of the persons hereinafter mentioned, and cause to be interred, in a decent and respectable manner, in any cemetery or burial ground within the state, other than those used exclusively for the burial of paupers and criminals, the body of any honorably discharged soldier, sailor or marine having at any time served in the army or navy of the United States, or the mother, wife or widow of any such soldier, sailor or marine, or any army nurse who did service at any time in the army of the United States, who shall hereafter die, not having the means to defray the necessary funeral expenses, at a cost not to exceed seventy-five dollars.

Duties of county commissioners.

Undertaker, how selected.

Mother, wife or widow.

Maximum cost.

The committee so appointed shall use certain forms of contracts herein prescribed and hereafter described, and abide by the regulations provided by this act. Such committee so appointed shall hold their appointment so long as they serve to the satisfaction of the county commissioners. Whenever a vacancy occurs in such committee said commissioners shall appoint a suitable person or persons to fill such vacancy. The members of said committee shall re-

Forms of contracts.

Vacancies filled, how.

Compensation.

ceive one dollar each from the general fund of said county for each service so performed. It shall be the duty of said committee to see that undertakers furnish all items specified in contract, and that in no case where the benefits of this act are claimed shall the entire cost of said funeral exceed the amount herein agreed upon.

Duties of appointees.

Sec. 2. It shall be the duty of the persons appointed in the foregoing section, before they assume the charge and expense of any such burial, to first satisfy themselves beyond a reasonable doubt, by careful inquiry, that the family of such soldier, sailor, marine, wife, widow, mother, dependent father, or army nurse, as before mentioned, is unable, for want of means, to defray the expenses, or that the family may be deprived of means actually necessary for their immediate support. Whereupon they shall cause to be buried such soldier, sailor or marine, wife, widow, mother, or army nurse, as provided in section 1 of this act; and they shall also report the same to the county commissioners of their county, setting forth the fact that they found the family of such deceased person in indigent circumstances, and unable to pay the expenses of burial, together with the name, rank and command to which he belonged if a soldier or sailor, the date of death, place where buried, occupation while living, also an accurate itemized statement of the expenses incurred by reason of said burial. Provided, however, that in any county in this state, where there is a home for indigent mothers, wives or widows of soldiers, or for army nurses, upon the death of any inmate of such home, the matron of such home may upon certificate, signed by the attending physician of said home, certify to the death of said inmate to the commissioners of the county from which the mother, wife, widow or army nurse was admitted to said home, and said commissioners shall proceed as provided in section 3 of this act. The undertaker so employed to perform such service herein described shall use blanks herein provided, specifying what he is to furnish for such service, signing the contract and leaving a copy with the committee with whom he makes his contract to read as follows:

Report to commissioners.

Itemized statement.

Undertakers' blanks.

I, ..., undertaker, residing at ....., hereby agree to furnish the following items for the burial of ....., who resided at ....., and died ..... 19.., namely: One casket nicely covered with a good quality of black cloth, lined with good quality of white satin, or other material of good quality and trimmed outside with six handles of a fair quality in keeping with the casket; one burial robe of good quality of material; one plain box for receiving the coffin inside the grave; to pay for digging the grave, in the place designated by the friends of the deceased, or otherwise provided, and fill up the grave in a proper manner; to furnish respectable hearse for conveying the remains to the place of burial; to prepare the

body for burial when so requested; to furnish two carriages of four passenger capacity each for use of the friends, and one carriage of six passenger capacity for the pallbearers, returning the same people to their respective homes or to the place where the funeral services were held. In fact, to furnish a decent, respectable funeral, for the sum of ..... dollars.

Itemized bill, presented where.

The undertaker must present his itemized bill and contract to the county auditor, using only blanks herein described, making oath that he has honestly and faithfully performed his contract, and that the bill and contract attached herewith presented is a true copy of the one left with the parties who engaged his services, and covers the entire expense of said funeral, before he can obtain his warrant. County auditors are hereby authorized by this act to have printed necessary blanks herein described, and distribute the same to clerks of townships in their counties from whom undertakers can procure them, or at the county auditor's office, If, by reason of donations of carriages, owning of cemetery lot, or other items mentioned in the bill of particulars, a saving of money is effected, the amount of such saving shall go to the families of the deceased, or those who may have cared for the deceased in life, or remain in the general fund of the county, at the discretion of the committee. Should it appear that a life insurance, or any fraternity funds should be coming to the family of the deceased, the committee shall withhold their signatures to the contract until such matters are definitely settled.

Distribution of blanks by auditors.

Discretion of committee.

Life insurance.

Sec. 3. It shall be the duty of the county commissioners upon securing the report and statement of the expenses provided for in section 2 of this act, to transcribe in a book to be kept for that purpose, all the facts contained in such report, concerning such deceased soldier, etc., shall certify to the expenses thus incurred, to the county auditor, who shall draw his warrant for the same, payable to the person or persons designated by the county commissioners, upon the county treasurer, to be paid out of the county fund of said county. It shall be the duty of the county commissioners, upon the death and burial of any such soldier, sailor, or marine, etc., residing within their county at the time of death, to make application to the proper authorities, under the United States government, for a suitable headstone as provided by act of congress, and cause the same to be placed at the graves of deceased soldiers, sailors, or marines.

Book to be kept by commissioners.

Headstone.

SECTION 2. That said sections 1, 2, and 3 be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.

64G.

[House Bill No. 1060.]

AN ACT

To amend section 17 of an act entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages," passed April 22, 1904, relating to the issuing of bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 17 of an act entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages" be amended so as to read as follows:

Township Bonds.

Sec. 17. For the purpose of providing the money necessary to meet the expenses of improving such roads and streets the trustees of any township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding thirty years, in the sum of five hundred dollars each, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually; and such bonds shall not be sold for less than their par value, and accrued interest, and the aggregate amount of the bonds of any township, at any one time outstanding, shall not exceed one hundred thousand dollars. The sale of such bonds shall be advertised for at least thirty days and the same sold to the highest bidder, at the office of the trustees of such township.

Not to exceed $100,000.00.

Sold to highest bidder.

SECTION 2. That section 17 of an act entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages" be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 10, 1908.

ANDREW L. HARRIS,
Governor.
65G.

[Senate Bill No. 347.]

AN ACT

To amend section 3439 of the Revised Statutes of Ohio and section 30 of the Municipal Code of 1902 in relation to the written consent of property owners to the construction of street railway tracks.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3439 of the Revised Statutes of Ohio and section 30 of the Municipal Code of 1902 be amended so as to read as follows:

Sec. 3439. No such grant shall be made until there is produced to council, or the commissioners, as the case may be, the written consent of the owners of more than one-half of the feet front of the lots and lands abutting on the street or public way, along which it is proposed to construct such railway or extension thereof; and the provisions of sections two thousand five hundred and one and of two thousand five hundred and three to two thousand five hundred and five, inclusive, so far as they are applicable, shall be observed in all respects, whether the railway proposed is an extension of an old or the granting of a new route; provided, however, that when such grant is made by the council of a municipal corporation for the construction of a street railway, either as a new route or as an extension of an existing route, on and along any part of any street or public way upon which a street railway has been operated within one year preceding under a grant or renewal of a grant which has expired or will expire within two years, it shall not be necessary to produce to such council any written consents from the owners of the lots and land abutting on such part of any street or public way; provided the number of tracks on any street, public way or part thereof is not increased beyond the number for which consents were originally obtained.

Written consent of owners of over one-half of abutting property.

Street Railway.

Exception; no written consent required.

Sec. 30. Nothing mentioned in section 2501 of the Revised Statutes of Ohio shall be done; no ordinance or resolution to establish or define a street railroad route shall be passed, and no action inviting proposals to construct and operate such railroad shall be taken by the council; and no ordinance for the purpose specified in section 2501 of the Revised Statutes of Ohio shall be passed until public notice of the application therefor has been given by the clerk of the corporation once a week, for the period of at least three consecutive weeks in one or more of the daily papers, if there be such, and if not, then in one or more weekly papers published in the corporation; and no such grant as mentioned in section 2501 of the Revised Statutes of Ohio shall be made, except to the corporation, individual or individuals, that will agree to carry passengers upon such proposed railroad at the lowest rates of fare, and shall have previously obtained the written consent of a majority of the property holders upon each street or part thereof, on the line of the proposed street railroad, represented by the feet front of the property abutting on the several streets along which such road is proposed to be constructed; provided, however, that when within the year preceding there shall have been operated a street railway upon such street or part thereof, under a grant or renewal of a grant which has expired or will expire within two years, it shall not be necessary to obtain the consent of the property holders abutting thereon; provided the number of tracks on any street, public way or part thereof is not increased beyond the number for which consents were originally obtained: and provided, further, that no grant nor renewal of any grant for the construction

Public notice of application.

Lowest rates.

No consent required.

Number of tracks not to be increased.

Valid for 25 years only.

or operation of any street railroad shall be valid for a greater period than twenty-five years from the date of such grant or renewal; and after such grant or renewal of a grant is made, whether by special or general ordinance, the municipal corporation shall not, during the term of such grant or renewal, release the grantee from any obligation or liability imposed by the terms of such grant or renewal of a grant.

Written petition of 15% of electors.

Sec. 30-*a*. If, within thirty days after the passage of any ordinance granting a franchise, extension or renewal thereof, to any street railroad, there shall be presented to the council or filed with its clerk a written petition signed by fifteen per cent. of the qualified electors of said city (to be determined by the highest number of votes cast for the mayor of such municipality of the last preceding municipal election), requesting such ordinance to be submitted to a vote of the electors of such city, the same shall not then become operative until it shall have been so submitted and received a majority of the votes cast thereon. The council shall by resolution provide that such vote be taken at a

Special election.

special election or at the next municipal election, and shall cause a copy of such resolution to be certified to the deputy state supervisors of the county in which such municipal corporation is situated and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of the municipality at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such municipality and shall be conducted, canvassed and certified in the same manner

Duty of mayor as to special election.

as the election of officers thereof. Thirty days' notice of the submission shall be given by the mayor of such municipality in two newspapers of opposite politics printed therein, once a week for four consecutive weeks, stating the object and purpose of such election and the time and place

Form of ballots.

of holding the same. Those voting in favor of the proposition shall have written or printed on their ballots in quotation "For the franchise," and those voting against the same shall have written or printed on their ballots the words "Against the franchise."

SECTION 2. That said section 3439 and said section 30 are hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.

66G.

[House Bill No. 678.]

AN ACT

To amend section 3920 of the Revised Statutes of Ohio, as amended April 25, 1904, relating to the organization of township boards of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3920 of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 3920. Boards of education of township school districts shall organize on the first Monday in January after the election of the board, by the election of one of their members president and the election of a clerk who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years. They shall fix the time of holding regular meetings. Each member of the board shall receive, as compensation, two dollars, for each meeting actually attended for not more than ten meetings in any year. The compensation allowed to members of the board shall be paid from the contingent fund.

Organization, time of.

Compensation

SECTION 2. That section 3920 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
67G.

[House Bill No. 682.]

AN ACT

To amend section 3923 of the Revised Statutes of Ohio, as amended April 25, 1904, abolishing joint subdistricts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3923 of the Revised Statutes of Ohio be amended so as to read as follows:

SEC. 3923. Joint subdistricts are hereby abolished and the territory of such districts, situated in the township in which the schoolhouse of the joint subdistrict is not located, shall be attached for school purposes to the township school district in which said schoolhouse is located, and shall constitute a part of said township school district, and the title of all school property located in said joint subdistrict,

Subdistricts abolished.

Disposition of.

Title, where vested.

Map, where filed.

Centralization.

is hereby vested in the board of education of the township to which the territory is attached. A map of such attached territory shall be prepared under the direction of the board of education of the township district to which such territory is attached and shall be made a part of the records of said board and a copy of the same shall be filed with the auditor of the county in which said territory is situated, or if the territory be in two or more counties, said map shall be filed with the auditor of each county. Provided, further, that when such subdistrict is a part of townships, both of which have centralized schools, and no school is maintained in said subdistrict, then the boundaries of the civil township so situated shall form the boundaries of the township school districts, and each township shall have entire control of the territory of such subdistrict lying within its boundaries.

SECTION 2. That said section 3923 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
68G.

[House Bill No. 875.]

AN ACT

To supplement section 290, by the enactment of section 290b and to amend sections 290a, 292, 294, 296, 297, 298 299 and 301 of the Revised Statutes of Ohio, relating to inspector of mines; and to repeal sections 295a, 295b and 295c of said Revised Statutes, so as to provide for inspections of mines at least once in three months and to protect miners from dangers of gas and to further protect miners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 290 be supplemented by the enactment of section 290b and that sections 290a, 292, 294, 296, 297, 298, 299 and 301 of the Revised Statutes of Ohio, be and the same are hereby amended, so as to read as follows:

Chief inspector of mines, qualifications of.

Sec. 290b. In addition to the qualifications provided for in section 290 of the Revised Statutes, any person hereafter appointed chief inspector of mines must have had at least five years actual practical experience in mining in the state and have a knowledge of the uses and dangers of electricity as applied in mines.

Sec. 290a. That authority be and is hereby given to appoint five additional district inspectors of mines; and they shall be appointed in the same manner and possess the same qualifications and receive the same compensation as the five district inspectors of mines authorized by section 290 of the Revised Statutes. The term of office of the five district inspectors of mines herein provided for shall be three years, and they shall take an oath and give bond, as provided in section 291 of the Revised Statutes of Ohio. and shall be subject to the regulations and requirements of the district inspectors authorized in said section 290 as provided in chapter nine of the Revised Statutes of Ohio. The chief inspector of mines shall assign said additional inspectors for service in districts to be designated by him, and he is authorized to divide the state in ten districts, in each of which one of the district inspectors of mines shall reside.

District inspectors.

Term of office.

Number of districts.

Sec. 292. The chief inspector and district inspectors shall give their whole time and attention to the duties of their offices, respectively; it shall be the duty of the district inspectors to examine all the mines in their respective districts as often as possible and not less than once every three months to see that all the provisions and requirements of this chapter are strictly observed and carried out; they shall particularly examine the works and machinery belonging to any mine, examine into the state and condition of the mines as to ventilation, circulation and condition of air, drainage and general security; they shall make a record of all examinations of mines in their respective districts, showing the date when made, the condition in which the mines are found, the extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvement and security of life and health sought to be secured by the provisions of this chapter, number of accidents, injuries received, or deaths in or about the mines, the number of mines in their respective districts, the number of persons employed in or about each mine, together with all such other facts and information of public interest concerning the condition of mines, development and progress of mining in their respective districts, as they may think useful and proper, which record shall, on or before the first Monday of every month, be filed in the office of the chief inspector, to be by him recorded, and so much thereof as may be of public interest, to be included in his annual report; in case of any controversy or disagreement between the district inspector and the owner or operator of any mine, or the persons working therein, or in case of conditions of emergencies requiring counsel, the district inspector may call on the chief inspector for such assistance and counsel as may be necessary; should the district inspector find any of the provisions of this chapter violated or not complied with by any owner, lessee, or agent in charge of any mine, he shall immediately notify such owner, lessee, or agent in charge of such neglect or violation, and

Duties of district inspectors.

Record, filing of.

Counsel, how secured.

unless the same is, within a reasonable time rectified, and the provisions of this chapter fully complied with, he shall institute a prosecution under the provisions of section six thousand eight hundred and seventy-one (6871) of the Revised Statutes. The inspectors shall exercise a sound discretion in the enforcement of the provisions of this act, and if in any respect (which is not provided against by, or may result from a rigid enforcement of any express provisions of this chapter), the inspectors find any matter, thing or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion, to threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, agent or manager of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing or practice to be dangerous or defective, and require the same to be remedied. For the purpose of making the inspection and examinations provided for in this section, the chief inspector and district inspectors shall have the right to enter any mine at all reasonable times by night or by day, but in such manner as shall not unnecessarily obstruct the working of the mine; and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire-clay, iron ore and other mines, as well as coal mines.

Written notice to owner or manager.

Inspection and examination.

Office of chief inspector, where located.

Sec. 294. The chief inspector shall have an office in the state house, in which shall be carefully kept the maps and plans of all mines in the state, and all records, correspondence, papers, apparatus and property pertaining to his duties, belonging to the state, and shall be handed over to his successor in office; the district inspectors shall keep their offices in such place in their respective districts as will be most central and convenient to the mining region of their respective districts, and shall keep and preserve in their offices all maps, plans, surveys and other papers belonging to their offices, in such manner as shall be of easy access and convenient reference to persons entitled to examine them. The district inspectors shall receive an annual salary of twelve hundred dollars ($1,200) per annum, and all necessary and legitimate expenses incurred by them in the discharge of their duties, to be approved by the chief inspector not to exceed sixty-five dollars per month for each inspector, itemized statements of which expenses shall be filed with the auditor of state, and the chief inspector shall receive the same salary as is now provided for inspector of mines under section twelve hundred and eigthy-four of the Revised Statutes, and in addition thereto all his necessary and legitimate expenses incurred by him as chief inspector, not to exceed sixty-five dollars per month, itemized statements of which expenses shall be filed with the auditor of state. Provided, however, that any public officer who knowingly accepts any payment from any mine inspector for political purposes shall forfeit his office and any person who accepts

Offices of district inspectors, where located.

Salary of district inspectors.

Salary of chief inspector.

any contribution of money or any thing of value from any mine inspector for use in any political campaign or for any campaign purpose shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not more than six months.

Misdemeanor.

Penalty.

Sec. 296. The owner or agent of any mine having an excavation of not less than fifteen thousand cubic yards, shall make, or cause to be made an accurate map or plan of the working of such mine on a scale of not less than two hundred feet to the inch, for each vein, showing the area mined or excavated and the location and connection with such excavation of the mine of the lines of all adjoining lands, and the name or names of each owner or owners, so far as known, marked on each tract, and the owner or agent shall annually thereafter make, or cause to be made an addition to said map, showing the progress and plan of the working of such mine during the previous year up to the date of survey; provided that said additions shall be made semi-annually whenever the mine inspector deems it necessary and so directs. The map shall be kept at the office of such mine and open to the inspection of the mine inspector, or his assistants, at all reasonable times, and at the request of the inspector the owner or agent shall file a correct copy of such map with said mine inspector at Columbus, and in case of a refusal on the part of the owner or agent to make and file such map, the inspector is authorized and required hereby to cause such map or maps to be made in duplicate, at the expense of said owner or agent, the cost of which shall be recoverable against the owner or agent in the name of the state mine inspector; and in case of refusal by said owner or agent to make or cause such map and the additions thereto to be made, for sixty days after notice by the mine inspector said agent or owner shall be liable to a fine of five dollars for each and every day until said map is made, which shall be collected in the name of the state of Ohio, at the suit of the state mine inspector, and the amount so recovered shall be paid into the township school fund of the township when collected. And when any mine is exhausted or abandoned, and before the pillars are drawn in any portion of the mine, the owner or agent thereof shall cause to be made a correct map of such mine, showing the area and working of the same to the day of abandoning, or of drawing pillars for the purpose of abandoning, and file such map within ninety days thereafter at the office of the county recorder in the county where such mine is located; said map shall have attached thereto the sworn certificate of the mining engineer making the map, and of the mine boss in charge of the underground workings of said mine; such map shall be properly labeled and filed by the recorder and be preserved as a part of the records of the land on which such mines are located and the recorder shall receive for said filing from said owner or agent a fee of fifty cents.

Map, what to show.

Map additions.

Copy of map, where filed.

Fine.

Abandoned mine.

Sec. 297. It is unlawful for the owner or agent of

any coal mine, worked by shaft, to employ or permit any person to work therein, unless there are, to every seam of coal worked in each mine, at least two separate outlets, separated by natural strata of not less than one hunderd feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine if the persons employed therein have safe, ready and available means of ingress and egress by not less than two openings. This section shall not apply to opening a new mine while being worked for the purpose of making communication between said two outlets so long as not more than twenty persons are employed at any one time in such mine, neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, so long as not more than twenty persons are employed therein at any one time. The cage or cages, and other means of egress shall at all time be available for the persons employed, where there is no second outlet.

Outlets.

Cages.

And for thirty minutes before time to hoist coal in the morning, and for thirty minutes after quitting time, the men shall have the right to be lowered, and hoisted out on the cages, and when the stock is taken down, in the morning and hoisted out after quitting time then the men shall be allowed every other cage with the drivers and when six or more shall desire the cage the same right shall apply. At every shaft operated by steam power, the operator must station at the top and at the bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing the rules governing the carriage of men on cages. Said top man and bottom man shall be at their respective posts of duty at least thirty minutes before the hoisting of coal begins in the morning, and remaining for thirty minutes after hoisting coal ceases for the day. The escapement shafts shall be fitted with safe and available appliances, by which the persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets, and such means or appliances for escape shall always be kept in a safe condition; and in no case shall an air shaft, with a ventilating furnace at the bottom, be constructed to be an escapement shaft, within the meaning of this section. To all other mines whether slopes or drifts, two such openings or outlets must be provided within twelve months after shipments of coal or other products have commenced from such mine: and in case such outlets are not provided as herein stipulated it shall not be lawful for the agent or owner of such slope or drift to permit more than ten persons to work therein at any one time. In case a coal mine has but one shaft, slope or drift, for the ingress or egress of the men working therein, and the owner thereof does not own suit-

Shaft operated by steam power.

Escapement shafts.

able surface ground for another opening, he may select and appropriate any adjoining land for that purpose, and may make an additional shaft or outlet under, through or upon any intervening land, or land adjoining, and shall be governed in his proceedings in appropriating such land by the provisions of law in force, providing for the appropriation of private property by corporations, and such appropriation may be made, whether he is a corporator or not; but no land shall be appropriated under the provisions of this chapter until the court is satisfied that suitable premises cannot be obtained upon reasonable terms.

Appropriation of adjoining land.

Sec. 298. The owner or agent of every coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than 100 cubic feet, per minute, per person, employed in such mine, which shall be circulated and distributed throughout the mine in such manner as to dilute, render harmless and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break-through, or air-way; and all break-throughs, or air-ways, except those last made near the working-faces of the mine shall be closed up and made air-tight by brattice and trap-doors and all such brattices in the main inlet and the main outlet for air shall be built in a substantial manner as may be authorized by the state mine inspector or his deputy with brick and cement, and all other places that the mine inspector may deem it necessary shall be built with the same material, so that the currents of air in circulation in the mine may sweep to the interior of the mine, where the persons employed in such mine are at work, and all mines governed by the statute shall be provided with artificial means of producing ventilation, such as forcing or suction fans, exhaust steam, furnaces or other contrivances, of such capacity and power as to produce and maintain an abundant supply of air, and all mines generating fire-damp shall be kept free from standing gas and every working place shall be carefully examined every morning with a safety lamp, by a competent person or persons, before any of the workmen are allowed to enter the mine, and when working places are discovered in which accumulations of gas exist, he shall place a conspicuous mark thereat as notice to all men to keep out until such places shall have been made safe, and at once report his finding to the mine boss. All underground entrance to any places not in actual course of working or extension shall be properly fenced across the whole width of such entrances so as to prevent persons from inadvertently entering the same.

Ventilation.

Brattices, construction of.

Artificial ventilation.

Notice of danger.

Sec. 299. The owner or agent of every coal mine operated by shaft, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube from the top to the bottom of such shaft, suitably calculated for the free passage of sound therein.

Speaking tube.

so that conversation may be held between persons at the bottom and top of the shaft; there shall also be provided an approved safety catch, and a sufficient cover overhead, on all carriages used for lowering and hoisting persons, and no cage having an unstable or self-dumping platform shall be used for the carriage of men or materials unless the same is provided with some convenient device by which said platform can be securely locked, and in the top of every shaft an approved safety-gate, and an adequate brake shall be attached to every drum or machine used for lowering or raising persons in all shafts or slopes; and there shall also be provided in every shaft a traveling or passage way from one side of a shaft bottom to the other, so that persons working therein may not have to pass under descending cages; and all slopes or engine planes, used as traveling ways by persons in any mine, shall be made of sufficient width to permit persons to pass moving cars with safety; but if found impracticable to make any slope or engine plane of sufficient width, then safety holes of ample dimensions, and not more than sixty feet apart, shall be made on one side of said slope or engine plane. Such safety holes shall always be kept free from obstructions, and the roof and sides shall be made secure. The boilers used for generating steam, and the buildings containing the boilers shall not be nearer than sixty feet to any shaft or slope, or to any building or inflammable structure connected with or surrounding said shaft or slope; but this section shall not apply to any shaft or slope until the work of development and shipment of coal has commenced.

Safety catch.

Safety-gate and brake.

Safety holes.

Safety lamps.

Sec. 301. All safety lamps used for examining coal mines or which are used in any coal mine, shall be the property of the owner of the mine, and shall be under the charge of the agent thereof, and in all mines, whether they generate fire-damp or not, the doors used in assisting or directing ventilation of the mine, shall be so hung or adjusted that they will shut of their own accord and cannot stand open; and all main doors, shall have an attendant, whose constant duty shall be to open them for transportation and travel, and prevent them from standing open longer than is necessary for persons or cars to pass through; and places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars, or otherwise, while attending to their duties; and the mining boss shall keep a careful watch over the ventilating apparatus and the air-way, and he shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries, and the measurements of air so made shall be noted on blanks, furnished by the chief inspector; and on the first day of each month the mining boss of each mine shall sign one of such blanks, properly filled with the said actual measurements, and forward the same to the chief inspector, and any mining boss making false returns of such air measurements shall be deemed

Doors used for ventilation.

Ventilation measured each week.

guilty of an offense against this section. Every person having charge of any mine, wherever loss of life occurs by accident, connected with the working of such mine, or by explosion, shall give notice thereof forthwith, by mail or otherwise, to the inspector of mines, and to the coroner of the county in which such mine is situated, and the coroner shall hold an inquest upon the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the findings and all the testimony to the chief inspector. The owner, agent, or manager of every mine shall, within twenty-four hours next after any accident, or explosion, whereby loss of life or personal injury may have been occasioned, send notice in writing to the chief inspector, and shall specify in such notice the character and cause of the accident, and the name or names of the persons killed and injured, with the extent and nature of the injuries sustained. When any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing shall be sent to the chief inspector within twenty-four hours after such death comes to the knowledge of the owner, agent or manager; and when loss of life occurs in any mine by explosion or accident, the owner, agent or manager of such mine, shall notify the chief inspector, or the district inspector forthwith, of the fact and it shall be the duty of the chief inspector to go himself, or require one of the district inspectors to go at once to the mine in which said death occurred, and inquire into the cause of the same, and to make a written report, fully setting forth the condition of the part of the mine where such death occurred, and the cause which led to the same; which report shall be filed by the chief inspector in his office as a matter of record and for future reference.

Accidents, how reported.

Notice of accident, what to specify.

Explosion or accident causing death.

Report, filing of.

For any injury to persons or property, occasioned by any violation of this act, or any willful failure to comply with its provisions by any owner, agent or manager of any mine, a right of action shall accrue to the party injured, for any direct damage he may have sustained thereby; and, in any case of loss of life, by reason of such willful neglect or failure, aforesaid, a right of action shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

Damages.

The owner, agent or manager of any mine shall also give notice to the chief inspector of mines in any or all of the following cases:

1. Where any change occurs in the name of any mine, or in the name of any owner, agent, or manager, of any mine, or in the officers of any incorporated company which owns or operates a mine.

2. Where any working is commenced for the purpose of opening a new shaft, slope or mine to which this act applies.

3. Where any mine is abandoned, or the working thereof discontinued.

4. Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding three months.

5. Where the pillars of a mine are about to be removed or robbed.

6. Where a squeeze or crush, or any other cause or change may seem to affect the safety of persons employed in any mine, or where fire occurs, or a dangerous body of gas is found in any mine.

SECTION 2. That said original sections 290*a*, 292, 294, 296, 297, 298, 299, 301, and sections 295*a*, 295*b* and 295*c* be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
69G.

[House Bill No. 877.]

AN ACT

To amend section 1 of an act entitled, "An act to prevent any person from unlawfully using or wearing the badge of the Grand Army of the Republic, Union Veterans' Union, Sons of Veterans, Union Veterans' Legion, Women's Relief Corps or any ladies' circle of the Grand Army of the Republic or military order of the Loyal Legion of the state of Ohio," passed March 10, 1892, so as to extend its provisions to the Benevolent and Protective Order of Elks, or any order, society, or organization of ten years' standing in this state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to prevent any person from unlawfully using or wearing the badge of the Grand Army of the Republic, Union Veterans' Union, Sons of Veterans, Union Veterans' Legion, Women's Relief Corps, or any ladies' circle of the Grand Army of the Republic, or Military Order of the Loyal Legion of the state of Ohio," passed March 10, 1892, be amended so as to read as follows:

Wearing badge of secret orders.

Sec 1. Any person who shall willfully wear the badge or button of the Grand Army of the Republic, Union Veterans' Union, Sons of Veterans, Union Veterans' Legion or Military Order of the Loyal Legion, Women's Relief Corps, any ladies' circle of the Grand Army of the

Republic, the Benevolent and Protective Order of Elks of the United States of America, any labor organization, or any order, society or organization of ten years' standing, in the state of Ohio, or shall use or wear the same to obtain aid or assistance thereby within this state, unless he shall be entitled to use or wear the same under the rules and regulations of the Grand Army of the Republic, Union Veterans' Union, Sons of Veterans, Union Veterans' Legion or Military Order of the Loyal Legion, Sons of the American Revolution, Women's Relief Corps, and ladies' circle of the Grand Army of the Republic, the Benevolent and Protective Order of Elks of the United States of America, any labor organization, or any order, society or organization of ten years' standing in the state of Ohio, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisoned for a term not exceeding thirty days, or both at the discretion of the court. And this act shall be applicable to any known or organized secret society or order.

Organization of ten years' standing.

Penalty.

SECTION 2. That said original section 1 of the above entitled act be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
70G.

[House Bill No. 936.]

AN ACT

To amend sections 7676*a* and 7076*c* of the Revised Statutes relating to the defrauding of hotels and eating houses so as to extend the provisions thereof to private rooms and pay-wards of hospitals and sanitariums and the posting of certain sections therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7076*a* and 7076*c* of the Revised Statutes in relation to the defrauding of inn-keepers be amended so as to read as follows:

Sec. 7076*a*. Any person who shall obtain food, lodging or other accommodation at any hotel, inn, boarding or eating-house, private room in or pay-ward of any hospital or sanitarium with intent to defraud the owner or keeper thereof, shall be fined not exceeding two hundred dollars, or imprisoned in the county jail or city work-house not exceeding three months, or both.

Defrauding hotels or hospitals.

Penalty.

Duties of proprietors as to notices.

Sec. 7076c. It shall be the duty of the proprietor of every hotel, inn, boarding house, hospital or sanitarium within this state to keep a copy of sections 7076a and 7076b printed in distinct type posted conspicuously in the office, the ladies' parlor or sitting-room, washroom and in five other conspicuous places in said inn or in not less than ten conspicuous places in all in said inn, hospital or sanitarium.

SECTION 2. That said sections 7076a and 7076c of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
71G.

[House Bill No. 933.]

AN ACT

To amend section 4029-2 of the Revised Statutes, relating to the compensation of the clerk of the board of county school examiners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4029-2 of the Revised Statutes be amended so as to read as follows:

County examiners, compensation.

Clerk of board, compensation.

Boxwell commencement.

Sec. 4029-2. The compensation of county examiners shall be the same as that fixed in section 4075 of the Revised Statutes of Ohio for the examination of teachers, and the compensation of the clerk of said board of county examiners shall be the same as that fixed in section 4070 of the Revised Statutes of Ohio for the examination of teachers; and each member of the said board of examiners, together with the clerk of said board, shall be allowed the minimum fee provided for holding examinations for teachers as remuneration for his services incident to the county Boxwell commencement, and such compensation and the necessary expenses incident to the examination and county commencement shall be paid out of the county treasury as provided in said section 4075 and 4070; no extra compensation shall be allowed to county examiners for holding the county commencement. The expenses incident to the township commencement shall be paid by the township board of education from the contingent fund of the township district, and when the pupils of special districts take part in such commencements the boards of education of such districts shall pay, from their contingent funds, to the township board of education

their share of such expenses, such share to be based on the proportion of pupils, from each district, taking part in such commencements; a proportional share of pupils from joint subdistricts, taking part in such commencements, shall be paid from the contingent fund of said joint subdistricts. Expenses, how proportioned.

SECTION 2. That section 4029-2 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
72G.

[House Bill No. 938.]

AN ACT

To amend section 3893 of the Revised Statutes, relating to the annexation of territory to municipalities affecting school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3893 of the Revised Statutes, relating to the annexation of territory to municipalities affecting school districts be amended so as to read as follows:

Annexation of territory.

Sec. 3893. Whenever territory is annexed to a city or village, such territory thereby becomes a part of the city or village school district and the legal title to all school property in said territory shall remain vested in the board of education of the school district from which said territory was detached for all school purposes, until such a time as may be agreeable between the several boards of education, when such property may be transfered by warranty deed, or in case of disagreement between said boards of education, like proceedings shall be had as in section 3896 of the Revised Statutes. Provided, further, that where territory located within the corporate limits of a village is attached for school purposes to a district other than the village school district, and the boards of education of the districts are unable to agree as to the transfer of such territory, the board of education of the village school district may file a petition in the probate court asking for the transfer of the territory within the corporate limits of the village, and the probate court shall have the same jurisdiction as is provided by section 3896 of the Revised Statutes.

Warranty deed.

Detaching village tertory.

Petition of village to probate court.

SECTION 2. That said section 3893 of the Revised Statutes, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.

73G.

[House Bill No. 950.]

AN ACT

Requiring manufacturers and distributors to label white lead, paints, mixed paints and similar compounds.

Be it enacted by the General Assembly of the State of Ohio:

Label must not be deceptive.

SECTION 1. No person, firm or corporation shall expose for sale or sell within this state any paint, turpentine or linseed oil, which is labeled or marked in any manner so as to tend to deceive the purchaser as to its nature or composition, or which is not accurately labeled as hereinafter required.

Paint, definition of.

SECTION 2. The term "paint" as used in this act shall include oxide of zinc, red lead, and white lead, dry or in any kind of oil, and any compound intended for the same use, colors ground in oil, paste or semi-paste paint, and liquid or mixed paint ready for use.

Label, what to specify.

SECTION 3. The label required by this act shall clearly and distinctly state the name and residence of the manufacturer of the paint, or of the distributor thereof, or of the party for whom the same is manufactured, and show the name and, with substantial accuracy, the percentage of each ingredient both solid and liquid contained therein. In the case of paint other than white paint where more than one coloring material is used, the several coloring materials may be shown by their combined percentage, in which case it shall be necessary to state the description or trade name, and with substantial accuracy, the chemical analysis of each of such constituent coloring materials. Said label shall be printed in the English language in plain legible type in continuous list with no intervening matter of any kind.

Measure or weight to be shown.

SECTION 4. The label on all paint sold by measure shall show the net measure of the contents of the container, and on all paint sold by weight, the net weight of the contents of the package.

SECTION 5. The provisions of this act shall not apply to any articles hereinbefore described which are in the state

in the hands of jobbers and dealers at the time that this act takes effect. An inventory of all paints manufactured prior to January 1, 1909, and in the hands of jobbers and dealers of the state on that date shall be made under oath by the person having such goods and filed with the dairy and food commissioner of the state. Inventory.

SECTION 6. The having in possession by any person, firm or corporation dealing in said articles, any articles or substances hereinbefore described and improperly marked or not accurately labeled, as provided in this act, shall be considered prima facie evidence that the same is kept by such person, firm or corporation, in violation of the provisions of this act and punishable under it. Prima facie evidence.

SECTION 7. The dairy and food commissioner of the state is charged with the proper enforcement of all the provisions of this act.

SECTION 8. The said commissioner and his assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress to all the places of business, stores and buildings used for the sale of paint, turpentine or linseed oil. They shall also have power of authority to open any package, can, jar, tub or other receptacle containing articles that may be sold or exposed for sale in violation of the provisions of this act. The inspectors, assistants and chemists appointed by the state dairy and food commissioner shall perform the same duties and have the same authority under this act as are prescribed by division II, Title III, Chapter 18, Part First of the Revised Statutes of Ohio. The state dairy and food commissioner shall from time to time publish bulletins giving the result of inspection and analyses together with such additional information as he may deem suitable. Authority of commissioner and assistants. Bulletins to be published.

SECTION 9. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and for the first offense shall upon conviction thereof be punished by a fine of not more than $50, and for each subsequent offense by a fine of not less than $50 and not more than $100, or by imprisonment for not less than thirty days, nor more than one hundred days, or both, for each offense. Penalty.

SECTION 10. This act shall take effect and be in force from and after January 1, 1909.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.

74G.

[House Bill No. 1007.]

AN ACT

To amend section 1 of the act of May 2d, 1902, entitled, "An act to provide for the manner of submission of constitutional amendments and other questions to the vote of the people."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of the act of May 2, 1902, entitled, "An act to provide for the manner of submission of constitutional amendments and other questions to the vote of the people," be amended so as to read as follows:

Sec. 1. Whenever an amendment to the constitution is to be submitted to the electors for their approval or rejection such amendment shall be stated in language sufficient to clearly designate the same, which statement shall be printed in the first column of the official ballot, and no matter other than such statements shall be printed in such column, except that on the line below each statement the word "Yes" shall be printed, and on the next line below shall be printed the word "No," and except as otherwise provided herein the provisions of Chapter 2, of Title 14 of Part First of the Revised Statutes shall so far as applicable apply to elections herein mentioned and to marking of ballots and counting of votes upon any constitutional amendment.

Statement, where to be printed.

SECTION 2. That said act entitled, "An act to provide for the manner of submission of constitutional amendments and other questions to a vote of the people," passed May 2, 1902, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
75G.

[House Bill No. 1057.]

AN ACT

Relating to agricultural societies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3708 of the Revised Statutes be amended as follows:

Sec. 3708. When the commissioners of any county have paid, or hereafter pay, any money out of the county treasury for the purchase of real estate as a site for any agricultural society whereon to hold its fairs, such society

Fairs.

shall not incumber such real estate with any debt, by mortgage or otherwise, without the consent of the commissioners; but by and with the consent of the commissioners, duly entered upon their journal, such society may incumber such real estate for the purpose of paying the cost of necessary repairs and improvements made subsequent to 1906 or hereafter made thereon; provided that such incumbrance shall not exceed twenty per cent. of the value of said real estate.

Incumbrance, commissioners' consent necessary.

SECTION 2. That said original section 3708 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passd April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
76G.

[House Bill No. 1339.]

AN ACT

To correct an error in section 3 of an act entitled, "An act to provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis," passed April 2, 1908.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide for county hospitals for the care and treatment of inmates of county infirmaries and other residents of the county suffering from tuberculosis," passed April 2, 1908, be amended to read as follows:

Sec. 3. The commissioners and infirmary directors of any county, in lieu of providing for the erection of a county hospital for tuberculosis, may contract with the infirmary directors of any county or with the board of public service of any municipality where such hospital has been constructed for the care and treatment of the inmates of such infirmary or other residents of the county who are suffering from pulmonary tuberculosis, and the infirmary directors of the county in which such patients reside shall pay into the poor fund of the county or into the proper fund of the city receiving such patients the actual cost incurred in their care and treatment and other necessaries; and shall also pay for their transportation. The probate judge of any county in which such hospital has not been provided may, upon a proper presentation of the facts and the recommendation of the state board of health, order any inmate of the infirmary who is suffering from pulmonary tuberculosis removed to the county hospital for tuberculosis of some other county.

Commissioners and infirmary directors, duties of.

Actual cost, etc.

Probate judge may remove inmate to another county.

and there confined, provided that such removal shall not be made without the consent of such inmate if a suitable place outside of the infirmary is provided for his or her care and treatment.

SECTION 2. That said section 3 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
77G.

[Senate Bill No. 333.]

AN ACT

To amend section 623 of the Revised Statutes of Ohio relating to power of trustees and managers of state institutions to appropriate land.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 623 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 623. When in the judgment of the board of trustees or managers of any benevolent, penal or reformatory institution of the state, it is necessary for the benefit of such institution, or the more efficient and proper accomplishment of the purposes for which it was organized or is being conducted, to acquire any real estate, right of way, or easement in real estate, and such board is unable to agree with the owner or owners thereof upon the price to be paid therefor, said board may appropriate such property in the manner hereinafter provided. The board shall declare its intention to appropriate such property or easement by resolution passed by two-thirds vote of all its members setting forth a pertinent description of the property or easement sought to be appropriated, on the passage of which the yeas and nays shall be taken, and with the resolution, be entered in full on the minutes of said board. After the adoption of such resolution application may be made by the board of trustees or managers in its name, to the court of common pleas or probate court of the county wherein such property is located, for the appropriation of such property or easement, and the same may be appropriated in all respects as is provided for the appropriation of private property by municipal corporations in sections 11 to 22 inclusive of the Municipal Code of 1902. Appeals may be taken and error prosecuted from such proceedings as provided by the above sections. No such board may institute proceedings to appropriate prop-

Appropriation of property.

Application to court.

Appeal.

erty unless sufficient money has been appropriated by the legislature for the purpose of acquiring such real estate or right of way or easement.

SECTION 2. That said original section 623 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 15, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
78G.

[Senate Bill No. 336.]

AN ACT

To amend section 2 of the act of April 30, 1886 (83 v. 107) entitled "An act to provide for the establishment of a home for disabled and indigent ex-soldiers and marines of Ohio," as amended March 12, 1890 (87 v. 56), relating to Ohio Soldiers' and Sailors' Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2, of the act of April 30, 1886 (83 v. 107), entitled, "An act to provide for the establishment of a home for disabled and indigent ex-soldiers and marines of Ohio," as amended March 12, 1890 (87 v. 56), be amended so as to read as follows:

Sec. 2. All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and who are citizens of Ohio at the date of the passage of this act, and any soldier of the national guard of Ohio, who has heretofore lost, or may hereafter lose an arm, or leg, or his sight, or who has, or may become permanently disabled from any cause, while in the line and discharge of duty, who are not able to support themselves, and are not entitled to admission to the national military homes, or cannot gain admission thereto, may be admitted to the home named in the preceding section, under such rules and regulations as may be adopted by the board of trustees hereinafter provided for: and that when said soldier, sailor or marine is entitled to admission into said home, the chairman of the soldiers' relief commission of the county in which said soldier, sailor or marine is a resident may, upon application therefor, furnish transportation by the most direct route, from the residence of said soldier, sailor or marine, to said soldiers' and sailors' home, and pay for the same out of the funds in said county known as the soldiers', sailors' and marines' indigent relief fund; provided, that as to honorably discharged soldiers who have served the

Honorably discharged soldiers, citizens of Ohio.

Permanently disabled.

Chairman of soldiers' relief commission.

Preference to be given Ohio organizations.

United States government, preference shall be given to those who served in Ohio military organizations.

SECTION 2. That section 2 of the act of April 30, 1886 (83 v. 107), entitled, "An act to provide for the establishment of a home for disabled and indigent ex-soldiers and marines of Ohio," as amended March 12, 1890 (87 v. 56), is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 15, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
79G.

[Senate Bill No. 364.]

AN ACT

To enable municipal corporations to regulate the use, control and maintenance of buildings used for purposes of human occupancy or habitation and to supplement the Municipal Code of 1902, by adding section 7-ff

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7 of the Municipal Code of 1902, be supplemented by adding thereto the following:

Sec. 7-*ff*. Municipal corporations shall have the right to regulate by ordinance, the use, control, repair and maintenance of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof; to compel the owners of such buildings to alter, re-construct or modify the same, or any room, store, compartment or part thereof, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof, and to prohibit the use or occupancy of such building or buildings until such rules, regulations and provisions have been complied with.

Sanitation.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 15, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
80G.

[Senate Bill No. 432.]

AN ACT

To provide for the relief of certain county employes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in any county in which the board of county commissioners, prior to August 1, 1904, employed or appointed certain persons for the purpose of making, correcting and keeping up to date a set of tax maps of the county, as provided for in section *2789a* and *2789b*, Revised Statutes of the state of Ohio, which said persons so employed were other than the county surveyor, or persons employed by the county surveyor, such persons so employed by the board of county commissioners of any county shall have a valid and legal claim against the county for which said services were so rendered.

Tax map.

Legal claim against county.

SECTION 2. That the board of county commissioners of any county are hereby authorized and directed to endorse their approval of said claims for services so rendered, but, in no case shall such claims be in excess of that provided for in section *2789b*, Revised Statutes of the state of Ohio, and the county auditor is hereby authorized and directed to draw his official warrant upon the county treasurer for the amount of the claim so approved by the board of county commissioners, and the county treasurer is hereby authorized and empowered to pay the same.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 15, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
81G.

[Senate Bill No. 468.]

AN ACT

To amend section 2099 of the Revised Statutes of Ohio relating to imprisonment in workhouses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2099 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2099. When a person over sixteen years of age is convicted of an offense, under the law of the state or an ordinance of a municipal corporation, and the tribunal be-

fore which the conviction is had is authorized by law to commit the offender to the county jail or corporation prison, the court, mayor, or justice of the peace, as the case may be, may sentence the offender to the workhouse, if there is such house in the county; provided, that when commitment is made from a city, village, or township in the county, other than in the municipality containing such workhouse, the council of such city or village, or the trustees of such township, shall transmit with the mittimus a sum of money equal to forty cents per day for the time of such commitment, to be placed in the hands of the superintendent of such workhouse, for the care and maintenance of such prisoner.

Workhouse sentence.

Forty cents per day.

SECTION 2. Said section 2099 of the Revised Statutes is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 15, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
82G.

[Senate Bill No. 503.]

AN ACT

To amend section 10 of the act of March 28, 1906 (98 v. 126), entitled, "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," so as to provide for the maintenance of such building.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 10, of an act entitled, "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," passed March 12th, 1902, as amended March 31st, 1902, as amended March 28th, 1906, be and the same is hereby amended so as to read as follows:

Sec. 10. Upon the completion of the memorial building authorized or on completion of any monumental building under act passed May 2d, 1871, as amended April 16th, 1900, entitled, "An act to provide for the appointment of trustees and disposition of moneys, property and assets held in trust for building soldiers' monuments," the board of trustees shall turn over the same to the county commissioners, who shall provide for the maintenance and the furnishing and equipping of said building not to exceed the

Soldiers' monuments.

sum of fifteen thousand dollars, as a memorial for the purpose aforesaid in the same manner as they are authorized to maintain other property of the county. The board of commissioners of any county in the state in addition to all other levies authorized by law, may levy a tax in the year 1906, not to exceed twenty-five one hundredths of a mill, upon all the taxable property within their county, to be used for the furnishing and decorating such memorial building, or to repay moneys advanced for such purposes and shall levy an annual tax sufficient to care for said building and to carry out the purposes for which the same is constructed. The board of commissioners may permit the occupancy and use of the memorial building, or any part thereof, upon such terms and conditions as they may deem proper.

Furnishing and decorating memorial building.

SECTION 2. That said section 10 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 21, 1908.

ANDREW L. HARRIS,
Governor.
83G.

[Senate Bill No. 536.]

AN ACT

Authorizing the auditor of state to issue duplicate warrants on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state is hereby authorized to issue duplicate warrants on the state treasury, as follows, the originals of which have been lost or destroyed:

Warrant No. 11997, series 1906, $58.75, favor of Lieutenant I. N. Houghton.

Warrant No. 11998, series 1906, $68.50, favor of Lieutenant John A. Lucas.

Warrant No. 11999, series 1906, $82.00, favor of Lieutenant Jr. Louis C. Gens.

Warrant No. 12000, series 1906, $70.25, favor of Captain Harry W. Ulrich.

Warrant No. 12001, series 1906, $40.25, favor Major Frank W. Hendley.

Warrant No. 12002, series 1906, $93.50, favor of Captain Arthur D. Hill.

Warrant No. 10004, series 1906, $250.00 in favor of E. C. Ross.

Warrant No. 14588, series 1906, $103.50, favor of Lieutenant F. D. Henderson.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 21, 1908.

ANDREW L. HARRIS,
Governor.
84G.

[House bill No. 805.]

AN ACT

To amend and supplement sections 8, 14 and 31 of an act entitled, "An act to regulate railroads and other common carriers in this state, create a board of railroad commissioners, prevent the imposition of unreasonable rates, prevent unjust discriminations and insure an adequate railway service," passed April 2d, 1906, in relation to joint rates, and passes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8, 14 and 31 of an act entitled, "An act to regulate railroads and other common carriers in this state, create a board of railroad commissioners, prevent the imposition of unreasonable rates, prevent unjust discriminations and insure an adequate railway service," passed April 2d, 1906, be amended and supplemented so as to read as follows:

Free transportation or reduced rates.

Sec. 8. Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the United States, the state, or any political subdivision thereof, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or household goods the property of railway employees; or the issuance of mileage, commutation or excursion passengers' tickets, provided that the same shall be obtainable by any person applying therefor without discrimination, or of party tickets, provided, that the same shall be obtainable by all persons applying therefor under like circumstances and conditions.

Free tickets or free passes, prohibited.

No railroad company, owning or operating a railroad wholly or partly within this state, shall, directly or indirectly, issue or give any free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable

societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers, and soldiers' and sailors' homes, including those about to enter and those returning home after discharge and boards of managers of such homes; to necessary caretakers of livestock, poultry and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, custom inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad is interested, persons injured in wrecks and physicians and nurses attending such persons. Provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees and their families; nor to prohibit any railroad company from carrying passengers free with the object of providing relief in cases of general epidemics, pestilence, or other calamitous visitation. Any railroad company violating this provision shall be deemed guilty of a misdemeanor and for each offense, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars, and any person other than the persons excepted in this provision, who uses any such free ticket, free pass, or free transportation, shall be subject to a like penalty.

Caretakers of live stock.

Physicians and nurses.

Misdemeanor, penalty.

Sec. 14. Whenever, upon an investigation made under the provisions of this act, the commission shall find any existing rate or rates, fares, charges or classifications, or any joint rate or rates, or any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are unreasonable or unjustly discriminatory, or any service is inadequate, it shall determine and by order fix a reasonable rate, fare, charge, classification or joint rate to be imposed, observed and followed in the future in lieu of that found to be unreasonable or unjustly discriminatory, and it shall determine and by order fix a reasonable regulation, practice or service to be imposed, observed and followed in the future, in lieu of that found to be unreasonable or unjustly discriminatory, or inadequate, as the case may be, and it shall cause a certified copy of each such order to be delivered to an officer or station agent of the railroad affected thereby, which order shall of its own force take effect and become operative thirty days after the service thereof. All railroads to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any railroad in any such rates, fares, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the railroads affected thereby in like manner, and the same shall take effect within such times thereafter as the commission shall prescribe.

Commission to fix reasonable rates, by order.

Delivery of orders.

Approval of commission.

Altering or amending order.

a. The commission may at any time upon application of any person or any railroad and upon notice to the parties in interest, and after opportunity to be heard as provided in section 12, rescind, alter or amend any order fixing any rate or rates, fares, charges or classification, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Joint rate, failure to agree.

b. Whenever the rate ordered substituted by the commission shall be a joint rate or charge and the railroads party thereto shall fail to agree upon the apportionment thereof within twenty days after the service of such order,

Supplemental order.

the commission may after a hearing, issue a supplemental order declaring the apportionment of such joint rate or charge, and the same shall take effect of its own force as part of the original order.

c. Whenever the railroads shall refuse or neglect to establish a joint rate or rates for the transportation of persons or property, the commission may, upon notice to the railroads and after opportunity to be heard, fix and establish such joint rate or rates, and if the railroads party thereto shall fail to agree upon the apportionment thereof within twenty days after service of such order, the commission may, upon a like hearing, issue a supplemental order declaring the apportionment of such joint rate or rates and the same shall take effect of its own force as part of the original order.

"Sec. 31. All claims, charges or demands against any railroad for loss of or damages to property occurring while such property is in the custody of the carrier, or for overcharges upon any shipment, or for any other service in violation of this act if not paid within one hundred and twenty days from the date of the filing of such claim with

Complaints submitted to commission.

the railroad, may be submitted to the commission by formal complaint. If after hearing on a complaint, the commission shall determine that any party complainant is entitled to any reward for loss and damage to property, or overcharge upon shipments, or for any other service, the commission shall make an order, directing the carrier to pay to complainant the sum to which he is entitled, on or before a date named. If the railroad does not comply with the order for the payment of money within the time limit in such order, the complainant, or any one for whose benefit such order was made, may file in any court of competent jurisdiction of the county, or district, in which he resides, or in which is located any portion of the line of railroad, a complaint setting forth the causes for which he claims damages, and the order of the commission in the premises. Such suit shall then proceed as other civil actions for damages, except that on a trial of such suit a copy of the findings and order of the commission, duly certified by the secretary thereof, shall be competent testimony, and shall be

Order of commission, prima facie evidence.

prima facie evidence of the facts therein stated, and except that the plaintiff shall not be liable for any costs unless

they accrue upon his appeal. Service in all cases under this section shall be the same as in other actions against common carriers."

SECTION 2. That sections 8, 14 and 31 of an act entitled, "An act to regulate railroads and other common carriers in this state, create a board of railroad commissioners, prevent the imposition of unreasonable rates, prevent unjust discriminations and insure an adequate railway service," passed April 2d, 1906, are hereby repealed. Repeal.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 21, 1908.

ANDREW L. HARRIS,
Governor.
85G.

[Senate Bill No. 307.]

AN ACT

To amend section 289 of the Revised Statutes of Ohio making it unlawful to engage in the insurance business in Ohio unless the same is expressly authorized by the laws of this state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 289 of the Revised Statutes of the State of Ohio be amended so as to read as follows:

SEC. 289. The provisions of this chapter shall apply to individuals and parties, and to all companies and associations, whether incorporated or not, now or hereafter engaged in the business of insurance; and it is unlawful for Insurance. any company, corporation or association, whether organized in this state or elsewhere, either directly or indirectly, to engage in the business of insurance, or to enter into any contracts substantially amounting to insurance, or in any manner to aid therein, in this state, or to engage in the business of guaranteeing against liability, loss or damage, or for any company, corporation or association, engaged in the business of providing for the payment of the funeral, Funeral expenses. burial or other expenses of deceased members or certificate holders therein, or engaged in the business of providing any other kind of insurance, to contract to pay or to pay the same, or its benefits or any part of either, to any official Official undertaker. undertaker, or to any designated undertaker or undertaking concern, or to any particular tradesman or business man, so as to deprive the representative or family of the deceased from, or in any way to control them, in procuring and purchasing said sup-

plies and services in the open market with the advantage of competition, unless the same is expressly authorized by the statutes of this state, and such statutes and all laws regulating the same and applicable thereto have been complied with, provided that nothing in this chapter nor in any other statute of the state of Ohio, pertaining to insurance shall so operate or be construed as to apply to the establishment and maintenance by individuals, associations or corporations, of sanitorium or hospitals for the reception and care of patients for the medical, surgical or hygienic treatment of any and all diseases, or for the instruction of nurses in the care and treatment of diseases and in hygiene, or for any and all said purposes, nor to the furnishing of any and all of said services, care or instruction in or in connection with any such institution under or by virtue of any contract made for such purposes, with residents of the county in which such sanitorium or hospital is located.

Sanitariums, etc., excepted.

SECTION 2. That said section 289 of the Revised Statutes of Ohio, as amended April 23, 1904, be and the same hereby is repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.

This bill was presented to the governor April 9th, 1908, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 22d, 1908.

RANDOLPH W. WALTON,
Veto Clerk.
86G.

[House Bill No. 803.]

AN ACT

To amend section 7067 of the Revised Statutes relating to use of false weights.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7067 of the Revised Statutes be amended so as to read as follows:

Sec. 7067. Whoever knowingly buys or sells, or directs or permits any person in his employ to buy or sell, any property, and makes or gives any false or short weight or measure; and any person owning or having charge of any scales or steelyards, fixed for the purpose of misweighing an article bought or sold and any person having

Short weight or measure.

any such scales or steelyards for the purpose of weighing any property, and who knowingly reports any false or untrue weight, and any person, firm or corporation using in the sale of any commodity a computing scale or device indicating the weight and price of such commodity, upon which scale or device the graduations or indications are false, or inaccurately placed, either as to weight or price, shall be fined not more than fifty dollars.

Computing scales.

Penalty.

SECTION 2. That said section 7067 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 9, 1908.

This bill was presented to the governor April 9th, 1908, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 22d, 1908.

RANDOLPH W. WALTON,
Veto Clerk.
87G.

[Senate Bill No. 316.]

AN ACT

To authorize municipal corporations to issue bonds for constructing additional buildings for municipal universities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any municipal corporation having, or which may have, a university supported in whole or in part by municipal taxation, is hereby authorized to issue bonds for the erection of additional buildings or the completion of buildings not completed, for such municipal university, and for the equipment thereof.

Municipal university.

SECTION 2. That such bonds may be issued under ordinance of council of such municipality with the approval of the mayor, and only upon the receipt of a certified resolution from the board of directors of such university of the necessity of such issue. Such resolution and ordinance shall specify the amount of such issue, the denomination of bonds, their rate of interest, their dates, and the times of their maturity.

Issue of bonds, regulation of.

SECTION 3. That the bonds so issued shall be sold according to the provisions of law for the sale of municipal bonds, and the proceeds thereof, excepting the premiums and accrued interest, shall be placed in the treasury of such

municipality and be used only for the purpose of erecting or completing and equipping such additional buildings as may have been specified in the resolution and ordinance calling for their issue. In the use of such fund for said purpose, all power and control shall be vested in the board of directors of the municipal university, which board shall make any and all contracts necessary for the erection or completion of the buildings specified, and the equipment thereof; shall supervise their erection, completion and equipment, and shall issue proper vouchers for the payment out of said fund of moneys due under such contracts, and for any and all other expenses connected with the erection, completion and equipment of said buildings. The amount of premium and accrued interest arising from the sale of said bonds shall be paid into the sinking fund.

Power and control vested in directors.

Trustees of sinking fund, duties as to tax levy.

SECTION 4. That the trustees of the sinking fund of any municipality issuing bonds under the authority of this act shall levy annually a tax sufficient to pay the interest, and to provide a sinking fund for the final redemption of said bonds at maturity.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
88G.

[Senate Bill No. 402.]

AN ACT

Authorizing the auditor of state to issue duplicate warrants on the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the auditor of state is hereby authorized to issue duplicate warrants on the state treasury, as follows, the originals of which have been lost or destroyed:

Warrant No. 3531, series 1907, $32.80, favor of D. G. Palmer.

Warrant No. 5195, series 1907, $46.70, favor of L. J. Cutter.

Warrant No. 18735, series 1907, $636.74, favor of D. A. Phillips & Son.

Warrant No. 13, series 1906, $154.65, favor of H. B. Prather.

Warrant No. 15131, series 1907, $216.67, favor of T. M. Kennedy.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.

89G.

[Senate Bill No. 404.]

AN ACT

To amend section 411 of the Revised Statutes of Ohio regulating the organization of the supreme court.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 411 of the Revised Statutes of Ohio be amended so as to read as follows:

Supreme court, organization of.

Sec. 411. The supreme court may be organized into two divisions, and when so organized the two judges having the shortest time to serve, and not holding their offices by appointment or election to fill a vacancy, shall be the presiding judges of their respective divisions, and as such shall preside at all terms of such divisions; and in case of the absence of the presiding judge of a division the judge of such division having in like manner the next shortest time to serve shall preside in his stead, and on and after January 1, 1909, the elder in service under his existing commission of the two presiding judges of such divisions shall be the chief justice of the whole court in the odd numbered year, and the other presiding judge of a division shall be the chief justice of the whole court in the even numbered year; provided, however, in case the said two presiding judges of such divisions have served the same length of time under their existing commissions, then of the presiding judges of such divisions the one senior in years shall be the chief justice of the whole court during the odd numbered years, and the other shall be the chief justice of the whole court during the even numbered year. The chief justice of the whole court shall preside at all terms of such court, and in case of his absence, the other presiding judge of a division of the court shall preside in his stead; provided, further, that from and after the passage of this act and until the first day of January, 1909, the junior in service of the two presiding judges of such divisions shall be chief justice of the whole court.

Odd numbered years.

Even numbered years.

Chief justice, shall preside.

SECTION 2. Said section 411 of the Revised Statutes is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
90G.

[House Bill No. 772.]

AN ACT

To provide competitive bidding by banks for the deposits of moneys in control of the trustees of sinking funds of municipal corporations and to amend section 109 of the Municipal Code of 1902.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 109 of the Municipal Code of 1902, be amended so as to read as follows:

Sinking fund, trustees of.

Section 109. The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, the State of Ohio, or of any municipal corporation, school, township or county bonds, in said state, hold in reserve only such sums as may be needed for effecting the terms of this act, and all interest received by them shall be re-invested in like manner.

The trustees of the sinking fund shall advertise for proposals at least once every three years for the deposit of all such sums so held in reserve, and shall deposit such reserve in such bank or banks, incorporated under the laws of the state of Ohio or of the United States, situated within the county, as may offer, at competitive bidding, the highest rate of interest and best security and accommodation and give a good and sufficient bond issued by a surety company authorized to do business in Ohio, or furnish good and sufficient surety in a sum not less than twenty per cent. in excess of the maximum amount at any time to be deposited; provided, that there shall not be deposited in any one bank except when such moneys are deposited for the purpose of meeting the payment of some obligation an amount in excess of the paid in capital stock and surplus of such bank, and not in any event to exceed in amount four hundred thousand dollars, and to determine the method by which such bids shall be received, the authority which shall receive them, and which shall determine the sufficiency of the security offered, the time for the contracts for which deposits of public money may be made and all details for

Competitive bidding.

Maximum amount.

carrying into effect the authority here given, provided that all such proceedings in connection with such competitive bidding and the deposit of money shall be conducted in such manner as to insure full publicity and shall be open at all times to the inspection of any citizen; provided further that as to any deposits made under authority of this act, neither the trustees of the sinking fund nor their bondmen, if such trustees of the sinking fund have exercised due care, shall be liable for any loss occasioned thereby.

Full publicity.

Trustees or bondsmen not liable.

SECTION 2. That original section 109 be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
91G.

[House Bill No. 804.]

AN ACT

To amend section 17 of an act entitled, "An act creating a fish and game commission, prescribing its duties and powers; to provide for the protection, preservation and propagation of fish and game in the state of Ohio and in and on the waters thereof and for the enforcement of the provisions of this act and to prescribe penalties for violations thereof," passed April 25, 1904.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 17 of an act entitled, "An act creating a fish and game commission, prescribing its duties and powers; to provide for the protection, preservation and propagation of fish and game in the state of Ohio and in and on the waters thereof and for the enforcement of the provisions of this act and to prescribe penalties for violations thereof," be amended to read as follows:

Sec. 17. No person shall catch, kill, injure, or pursue, any ruffed grouse, Mongolian pheasant, English pheasant, ring-neck pheasant, or other pheasant, before the tenth day of November, 1913, or after that date, except from the tenth day of November, to the first day of December, nor at any time catch, kill, injure, or pursue any of the birds named in this section by the aid or use of any trap, net, or snare; nor at any time disturb or destroy the nests, or eggs, or young of any bird named herein.

Pheasants.

SECTION 2. That said original section 17 be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.

92G.

[House Bill No. 1155.]

AN ACT

To amend section 1 of an act entitled, "An act to authorize county commissioners to appropriate money, levy tax, and issue and sell bonds in an amount not to exceed $50,000, in anticipation of such levy, to rebuild county infirmary, destroyed by fire and other casualty," passed March 3, 1904, as amended March 31, 1906.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to authorize county commissioners to appropriate money, levy tax, and issue and sell bonds in an amount not to exceed $50,000, in anticipation of such levy, to rebuild county infirmary, destroyed by fire and other casualty," passed March 3, 1904, as amended March 31, 1906, be amended to read as follows:

Infirmary, destroyed by fire or condemned.

Sec. 1. That in any county in which a county infirmary has been destroyed by fire, and not rebuilt, or has been condemned as unsafe and uninhabitable by the chief inspector of workshops and factories at the time of the passage of this act, or shall hereafter be destroyed by fire, or other casualty the county commissioners of said county shall have authority to appropriate money, levy tax, and to issue and sell the bonds of said county in anticipation of such levy, in an amount not to exceed ninety thousand ($90,000.00) dollars, for the purpose of rebuilding such infirmary without first submitting to the voters of said county the question as to the policy of rebuilding such infirmary, appropriating such money, levying such tax, and issuing and selling such bonds.

Maximum issue of bonds, without vote.

SECTION 2. That said section 1 be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.

93G.

[House Bill No. 967.]

AN ACT

Establishing standard forms in which policies of life insurance may be issued in this state and in which policies of life insurance companies organized under the laws of this state may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No policy of life insurance shall be issued or delivered in this state and no policy of life insurance of a life insurance company organized under the laws of this state shall be issued unless authorized by the provisions of this act.

SECTION 2. The following are established as standard forms in which policies of life insurance may be issued and delivered in this state, and in which policies of life insurance of life insurance companies organized under the laws of this state may be issued: **Standard forms.**

OHIO STANDARD LIFE INSURANCE POLICY.

(Insert "Ordinary" or "Limited Payment.")

.....LIFE.

Age.....

Amount $..... .....Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF.....Dollars, receipt of which is hereby acknowledged, and of the payment of (insert amounts and times of payments of premiums) until (insert "the death of the insured" in ordinary life, and ".....full years' premiums shall have been paid or until the prior death of the insured" in limited payment life),

PROMISES to pay upon receipt at the Home Office of the Company in.....of due proof of the death of.....of.....County of....., State of....., herein called the Insured, to .....beneficiar....., with (insert "out" if so desired) right of revocation, ...Dollars, less any indebtedness hereon to the Company and any unpaid portion of the premium for the then current policy year.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company accom-

Standard forms.

panied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force bevond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a receipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts), and countersigned by said agent.

A grace of one month subject to an interest charge at the rate of.....per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, constitute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy shall on the.....day of..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

Standard forms.

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums, or

(3) Applied to the purchase of paid up additions to the policy, or

(4) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company for calculating its reserves) per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election, the dividends shall be applied to the purchase of paid up additions.

LOANS.—After three full years' premiums have been paid, the company at any time, while this policy is in force, will advance, on proper assignment of this policy and on the sole security thereof, at a rate of interest not greater than.....per centum per annum, which interest if not paid annually shall be added to the principal and bear the same rate of interest, a sum equal to, or, at the option of the owner of the policy, less than, the reserve at the end of the current policy year on this policy and on any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table, and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto.

The company, however, will deduct from such loan value any existing indebtedness to the company on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year. Such loan may be deferred by the company for not exceeding six months after the application therefor is made. Failure to repay any such advance or to pay interest shall not avoid this policy unless the total indebtedness hereon to the company shall equal or exceed such loan value at the time of such failure and until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any. No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

OPTION ON SURRENDER OR LAPSE.—After this policy shall have been in force three full years the owner, within one month after any default, may elect (a) to accept the value of this policy in cash, or (b) to have the insurance continued in force from date of default, without future participation and without the right to loans, for

Standard forms.

its face amount, including any outstanding dividend additions, less any indebtedness to the company hereon, or (c) to purchase non-participating paid up insurance, payable at the same time and on the same conditions as this policy. The cash value will be the reserve at the date of default on this policy and on any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto, and less any existing indebtedness to the company on this policy. Payment of such cash value may be deferred by the company for not exceeding six months after the application therefor is made. The term for which the insurance will be continued or the amount of the paid up policy will be such as the cash value will purchase as a net single premium at the attained age of the insured according to the (designate the mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum. If the owner shall not, within one month from default, surrender this policy to the company at its home office for a cash surrender value or for paid up insurance as provided in options (a) and (c) the insurance will be continued as provided in option (b).

The figures in the following table are computed in accordance with the above provisions and upon the assumption that there is no indebtedness on the policy, and that there are no outstanding dividend additions.

(At the option of the company the following may be here inserted:

"The figures apply to a policy for $1,000. As this contract is for $.....the loan, cash, or paid up insurance available in any year will be.....the amount stated in the table for that year.")

Standard forms.

At end of Year.	Cash or Loan Value.	Paid-Up Life Insurance.	Continued Insurance. Years.	Months.	Days.
3	$.....	$.....	.....	.....	.....
4	$.....	$.....	.....	.....	.....
5	$.....	$.....	.....	.....	.....
6	$.....	$.....	.....	.....	.....
7	$.....	$.....	.....	.....	.....
8	$.....	$.....	.....	.....	.....
9	$.....	$.....	.....	.....	.....
10	$.....	$.....	.....	.....	.....
11	$.....	$.....	.....	.....	.....
12	$.....	$.....	.....	.....	.....
13	$.....	$.....	.....	.....	.....
14	$.....	$.....	.....	.....	.....
15	$.....	$.....	.....	.....	.....
16	$.....	$.....	.....	.....	.....
17	$.....	$.....	.....	.....	.....
18	$.....	$.....	.....	.....	.....
19	$.....	$.....	.....	.....	.....
20	$.....	$.....	.....	.....	.....

* Figures for later years will be furnished upon request.

REINSTATEMENT.—In case of continued temporary insurace under the above provisions, this policy, upon evidence of insurability satisfactory to the company, may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not more than six) per centum per annum.

OPTIONS AT MATURITY.—The insured, by written notice to the company at its home office, and with the written consent of the assignee and irrevocable beneficiary, if any, may elect to have the net sum payable under this policy paid either in cash or as follows:

(1) By the payment of interest thereon at..... per centum per annum payable annually, to the payee under this policy at the end of each year during the life of the payee and by the payment upon the death of the payee of the said net sum and accrued interest to the executors, administrators, or assigns of the payee, unless otherwise directed in said notice.

(2) By the payment of equal annual installments for a specified number of years, the first installment being payable immediately, in accordance with the following table for each $1,000 of said net sum:

(3) By the payment of equal annual installments payable at the beginning of each year for a fixed period of twenty years and for so many years longer as the payee shall

Standard forms.

survive in accordance with the following table for each $1,000 of said net sum.

Installments payable under options (2) or (3) which shall not have been paid prior to the death of the payee shall be paid, unless otherwise directed in said notice, to the executors, administrators or assigns of the payee.

If the insured shall not have directed otherwise the beneficiary may, after the death of the insured, by like written notice, and with the written consent of the assignee, if any, select either of the above options.

Unless otherwise specified by the insured the payee may on any interest date receive the amount yet due under option (1), and may at any time receive the commuted value of payments yet to be made, computed upon the same basis as option (2) in the following table, provided that no such commutation will be made under (3), except after the death of the payee occurring within the aforesaid twenty years.

TABLE OF INSTALLMENTS FOR EACH $1,000.

Option (2)		Option (3)	
Number of Annual Installments.	Amount of Each Installment.	Age of Payee when Policy becomes payable.	Amount of Each Installment.
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

Standard forms.

IN WITNESS WHEREOF, The Company has caused this Policy to be executed this.....day of.....

OHIO STANDARD LIFE INSURANCE POLICY.

Endowment.

Age.....

Amount $..... .....Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF.....Dollars, receipt of which is hereby acknowledged, and of the payment of (here insert amounts and times of payments of premiums) until.....full years' premiums shall have been paid or until the prior death of the Insured,

PROMISES to pay at the Home Office of the Company in.....to.....of..... County of....., State of....., herein called the Insured, on the.....day of.....,if the Insured be then living, or upon receipt at said Home Office of due proof of the prior death of the Insured, to..... beneficiar....., with (insert "out" if so desired) right of revocation, ...Dollars, less any indebtedness hereon to the Company and any unpaid portion of the premium for the then current policy year.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force beyond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a receipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts), and countersigned by said agent.

Standard forms.

A grace of one month subject to an interest charge at the rate of.....per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, constitute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy shall on the.....day of..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums, or

(3) Applied to the purchase of paid up additions to the policy, or

(4) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company in calculating its reserves) per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election, the dividends shall be applied to the purchase of paid-up additions.

LOANS.—After three full years' premiums have been paid, the company at any time, while this policy is in force, will advance, on proper assignment of the policy and on the sole security thereof, at a rate of interest not greater than ..... per centum per annum, which interest if not paid

Standard forms.

annually shall be added to the principal and bear the same rate of interest, a sum equal to, or, at the option of the owner of the policy, less than, the reserve at the end of the current policy year on this policy and on any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves), per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto. The company, however, will deduct from such loan value any existing indebtedness to the company on this policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year. Such loan may be deferred by the company for not exceeding six months after the application therefor is made. Failure to repay any such advance or to pay interest shall not avoid this policy unless the total indebtedness hereon to the company shall equal or exceed such loan value at the time of such failure and until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any.

No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

OPTIONS ON SURRENDER OR LAPSE.—After this policy shall have been in force three full years the owner, within one month after any default, may elect (a) to accept the value of this policy in cash, or (b) to have the insurance continued in force from date of default, without future participation and without the right to loans, for its face amount, including any outstanding dividend additions, less any indebtedness to the company hereon, or (c) to purchase non-participating paid-up insurance, payable at the same time and on the same conditions as this policy. The cash value will be the reserve at the date of default on this policy and on any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto, and less any existing indebtedness to the company on this policy. Payment of such cash value may be deferred by the company for not exceeding six months after the application therefor is made.

The term for which the insurance will be continued or

Standard forms.

the amount of the paid up policy will be such as the cash value will purchase as a net single premium at the attained age of the insured according to the (designate the mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum. If the sum applicable to the purchase of temporary insurance shall be more than sufficient to continue the insurance to the end of the endowment term named in this policy, the excess shall be used to purchase in the same manner non-participating paid-up pure endowment, payable at the end of the endowment term and on the same conditions. If the owner shall not, within one month from default, surrender this policy to the company at its home office for a cash surrender value or for paid-up insurance as provided in option (a) and (c) the insurance will be continued as provided in option (b).

The figures in the following table are computed in accordance with the above provisions and upon the assumption that there is no indebtedness on the policy, and that there are no outstanding dividend additions.

(At the option of the company the following may be here inserted:

"The figures apply to a policy for $1,000. As this contract is for $..... the loan, cash, paid up insurance or pure endowment available in any year will be ..... the amount stated in the table for that year.")

At end of Year.	Cash or Loan Value.	Paid-Up Endowment insurance.	Continued Insurance.			Pure Endowment.
			Years.	Months.	Days.	
3	$.....	$.....	.....	.....	.....	$.....
4	$.....	$.....	.....	.....	.....	$.....
5	$.....	$.....	.....	.....	.....	$.....
6	$.....	$.....	.....	.....	.....	$.....
7	$.....	$.....	.....	.....	.....	$.....
8	$.....	$.....	.....	.....	.....	$.....
9	$.....	$.....	.....	.....	.....	$.....
10	$.....	$.....	.....	.....	.....	$.....
11	$.....	$.....	.....	.....	.....	$.....
12	$.....	$.....	.....	.....	.....	$.....
13	$.....	$.....	.....	.....	.....	$.....
14	$.....	$.....	.....	.....	.....	$.....
15	$.....	$.....	.....	.....	.....	$.....
16	$.....	$.....	.....	.....	.....	$.....
17	$.....	$.....	.....	.....	.....	$.....
18	$.....	$.....	.....	.....	.....	$.....
19	$.....	$.....	.....	.....	.....	$.....
20	$.....	$.....	.....	.....	.....	$.....

Standard forms.

Figures for later years will be furnished upon request.

REINSTATEMENT.—In case of continued temporary insurance under the above provisions, this policy, upon evidence of insurability satisfactory to the company, may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not greater than six) per centum per annum.

OPTIONS AT MATURITY.—The insured, by written notice to the company at its home office, and with written consent of the assignee and irrevocable beneficiary, if any, may elect to have the net sum payable under this policy paid either in cash or as follows:

(1) By the payment of interest thereon at..... per centum per annum payable annually, to the payee under this policy at the end of each year during the life of the payee and by the payment upon the death of the payee of the said net sum and accrued interest to the executors, administrators or assigns of the payee, unless otherwise directed in said notice.

(2) By the payment of equal annual installments for a specified number of years, the first installment being payable immediately, in accordance with the following table for each $1,000 of said net sum.

(3) By the payment of equal installments payable at the beginning of each year for a fixed period of twenty years and for so many years longer as the payee shall survive in accordance with the following table for each $1,000 of said net sum.

Installments payable under options (2) or (3) which shall not have been paid prior to the death of the payee shall be paid, unless otherwise directed in said notice, to the executors, administrators or assigns of the payee.

If the insured shall not have directed otherwise the beneficiary may, after the death of the insured, by like written notice, and with the written consent of the assignee, if any, select either of the above options.

Unless otherwise specified by the insured the payee may on any interest date receive the amount yet due under option (1), and may at any time receive the commuted value of payments yet to be made, computed upon the same basis as option (2) in the following table, provided that no such commutation will be made under (3), except after the death of the payee occurring within the aforesaid twenty years.

Standard forms.

TABLE OF INSTALLMENTS FOR EACH $1,000.

Option (2)		Option (3)	
Number of Annual Installments.	Amount of Each Installment.	Age of Payee when Policy becomes payable.	Amount of Each Installment.
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....
.....	$.....	.....	$.....

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

IN WITNESS WHEREOF, The Company has caused this Policy to be executed this.....day of.....

OHIO STANDARD LIFE INSURANCE POLICY.

(Insert "Ordinary" or "Limited Payment" Life Fixed Survivorship Annuity.

Age.....

Amount $..... .....Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF ..... Dollars, receipt of which is hereby acknowledged, and of the payment of (here insert amounts and times of payments of premiums) until (insert "the death of the insured" in ord-

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nary life, and "..... full years' premiums shall have been paid or until the prior death of the insured" in limited payment life),

PROMISES to pay at its home office in ..... Dollars in Twenty equal annual Installments of $..... to ..... (herein called the Beneficiary), (insert "his" or "her") executor, administrator or assigns, with (insert "out" if so desired) right of revocation, if (insert "he" or "she") survives the Insured, otherwise to the executors, administrators or assigns of the Insured, the first Installment being payable immediately upon receipt of due proof of the death of the Insured, any indebtedness to the Company on this Policy together with the balance, if any, of the then current year's Premium being deducted from the amounts first payable under this contract.

Should the Beneficiary live to receive the Twenty Installments payable to (insert "him" or "her") as above provided, the Company will pay (insert "him" or "her") annually during the remainder of (insert "his" or "her") life the sum of $.....beginning one year after the date when the Twentieth Installment payable hereunder shall fall due.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns. If a new beneficiary shall be designated only twenty annual installments will be payable under this policy, and future (if necessary, insert "semi" or "quarter") annual premiums will be reduced to ..... dollars each.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

Upon return of this policy to the company accompanied by evidence satisfactory to the company of the death of the beneficiary the company will reduce the future (here insert "annual," "semi-annual" or "quarterly") premiums to $..... each.

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force beyond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a re-

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ceipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts), and countersigned by said agent.

A grace of one month subject to an interest charge at the rate of ..... per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, constitute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, or if the age of the beneficiary has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy will on the ..... day of..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums, or

(3) Applied to the purchase of paid up additions to the policy, payable in twenty annual installments at the same times as the original amount insured under this policy is payable. The payment of such twenty installments shall discharge the company from all liability on account of such dividend additions; or

(4) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company in calculating its reserves) per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise

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within three months after the mailing by the company of a written notice requiring such election, the dividends shall be applied to the purchase of paid up additions.

LOANS.—After three full years' premiums have been paid, the company at any time, while this policy is in force, will advance, on the proper assignment of the policy and on the sole security thereof, at a rate of interest not greater than ..... per centum per annum, which interest if not paid annually shall be added to the principial and bear the same rate of interest, a sum equal to, or, at the option of the owner of the policy, less than, the reserve at the end of the current policy year required to provide for the twenty installments payable under this policy and for any dividend additions thereto, and no more, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto. The company, however, will deduct from such loan value any existing indebtedness to the company on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year. Such loan may be deferred by the company for not exceeding six months after the application therefor is made. Failure to repay any such advance or to pay interest shall not avoid this policy unless the total indebtedness hereon to the company shall equal or exceed such loan value at the time of such failure and until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any. No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

OPTIONS ON SURRENDER OR LAPSE.—After this policy shall have been in force three full years the owner, within one month after any default may elect

(a) To accept the value of this policy in cash, or

(b) To have the insurance continued in force from date of default without future participation and without the right to loans, for its face amount, including any outstanding dividend additions, less any indebtedness to the company hereon, or

(c) To purchase non-participating paid-up insurance, payable, except as hereinafter provided, at the same times and on the same conditions as this policy. The cash value will be the reserve at the date of default required to pro-

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vide for the twenty installments payable under this policy and for any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto, and less any existing indebtedness to the company on this policy. Payment of such cash value may be deferred by the company for not exceeding six months after the application therefor is made. The term for which the insurance will be continued or the amount of the paid-up policy will be such as the cash value will purchase as a net single premium at the attained age of the insured according to the (designate the mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum. If the owner shall not within one month from default surrender this policy to the company at its home office for a cash surrender value or paid-up insurance as provided in option (a) and (c) the insurance will be continued as provided in option (b). The paid-up or continued temporary insurance will be payable in twenty equal installments and the payment of twenty installments under either option shall discharge the company from all liability under this policy.

The figures in the following table are computed in accordance with the above provisions and upon the assumption that there is no indebtedness on the policy, and that there are no outstanding dividend additions.

(At the option of the company the following may be here inserted:

"The figures apply to a policy for $1,000. As this contract is for $..... ..the loan, cash, or paid-up insurance available in any year will be ..... the amount stated in the table for that year.")

At end of Year.	Cash or Loan Value.	Paid-Up Life Insurance.	Continued Insurance. Years.	Months.	Days.
3	$.....	$.....	.....	.....	.....
4	$.....	$.....	.....	.....	.....
5	$.....	$.....	.....	.....	.....
6	$.....	$.....	.....	.....	.....
7	$.....	$.....	.....	.....	.....
8	$.....	$.....	.....	.....	.....
9	$.....	$.....	.....	.....	.....
10	$.....	$.....	.....	.....	.....
11	$.....	$.....	.....	.....	.....
12	$.....	$.....	.....	.....	.....
13	$.....	$.....	.....	.....	.....
14	$.....	$.....	.....	.....	.....
15	$.....	$.....	.....	.....	.....
16	$.....	$.....	.....	.....	.....
17	$.....	$.....	.....	.....	.....
18	$.....	$.....	.....	.....	.....
19	$.....	$.....	.....	.....	.....
20	$.....	$.....	.....	.....	.....

Figures for later years will be furnished upon request.

REINSTATEMENT.—In case of continued temporary insurance under the above provisions, this policy, upon evidence of insurability satisfactory to the company, may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not greater than six) per centum per annum.

.....

.....

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

IN WITNESS WHEREOF, The Company has caused this policy to be executed this ..... day of.....

OHIO STANDARD LIFE INSURANCE POLICY.

Endowment Fixed Survivorship Annuity.

Age.....

Amount $..... .....Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF ..... Dollars, receipt of which is hereby acknowledged, and of the payment of (here insert amounts and times of payments of pre-

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miums) until ..... full years' premiums shall have been paid or until the prior death of the Insured,

PROMISES to pay at its home office in ..... Dollars in twenty equal annual installments of $..... to the insured, the first installment to be payable on the .... day of ..... nineteen hundred and ..... If the insured shall die before receiving all the twenty installments herein provided for, the remainder of such twenty installments shall be payable as they fall due to ..... (herein called the beneficiary), (insert "his" or "her") executors, administrators or assigns, with (insert "out" if so desired) right of revocation, if (insert "he" or "she") survives the insured, otherwise to the executors, administrators or assigns of the insured.

Should the insured die before (insert date of maturity), this policy shall be payable to the beneficiary, (insert "his" or "her") executors, administrators or assigns, if (insert "he" or "she") survives the insured, otherwise to the executors, administrators or assigns of the insured, the first installment being payable immediately upon receipt of due proof of the death of the insured. Any indebtedness to the company on this policy, together with the balance, if any, of the then current year's premium, will be deducted from the amounts first payble under this contract.

Should the insured or beneficiary live to receive the twenty installments payable as above provided, the company, beginning one year after the date when the twentieth installment payable hereunder shall fall due, will pay the sum of $..... annually to the insured, or, in the event of the death of the insured, to the beneficiary, the said annual payment to be due and payable so long as either the insured or beneficiary is living.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns. If a new beneficiary shall be designated only twenty annual installments will be payable under this policy, and future (if necessary, insert "semi" or "quarter") annual premiums will be reduced to ..... dollars each.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

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Upon return of this policy to the company accompanied by evidence satisfactory to the company of the death of the beneficiary the company will reduce the future (here insert "annual," "semi-annual" or "quarterly") premiums to $..... each.

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force beyond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a receipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts), and countersigned by said agent.

A grace of one month subject to an interest charge at the rate of ..... per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, constitute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, or if the age of the beneficiary has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy shall on the .....day of ..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums, or

(3) Applied to the purchase of paid up additions to

Standard forms.

the policy, payable in twenty annual installments at the same times as the original amount insured under this policy is payable. The payment of such twenty installments shall discharge the company from all liability on account of such dividend additions; or

(4) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company in calculating its reserves) per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election, the dividend shall be applied to the purchase of paid up additions.

LOANS.—After three full years' premiums have been paid, the company at any time, while this policy is in force, will advance, on proper assignment of the policy and on the sole security thereof, at a rate of interest not greater than ..... per centum per annum, which interest if not paid annually shall be added to the principal and bear the same rate of interest, a sum equal to, or, at the option of the owner of the policy, less than, the reserve at the end of the current policy year required to provide for the twenty installments payable under this policy and for any dividend additions thereto, and no more, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto. The company, however, will deduct from such loan value any existing indebtedness to the company on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year. Such loan may be deferred by the company for not exceeding six months after the application therefor is made. Failure to repay any such advance or to pay interest shall not avoid this policy unless the total indebtedness hereon to the company shall equal or exceed such loan value at the time of such failure and until one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any. No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

OPTIONS ON SURRENDER OR LAPSE.—After this policy shall have been in force three full years the owner, within one month after any default, may elect

(a) To accept the value of this policy in cash, or

Standard forms.

(b) To have the insurance continued in force from date of default, without future participation and without the right to loans, for it face amount, including any outstanding dividend additions, less any indebtedness to the company hereon, or

(c) To purchase non-participating paid-up insurance, payable, except as hereinafter provided, at the same times and on the same conditions as this policy. The cash value will be the reserve at the date of default required to provide for the twenty installments payable under this policy and for any dividend additions thereto, computed according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy and of any dividend additions thereto, and less any existing indebtedness to the company on this policy. Payment of such cash value may be deferred by the company for not exceeding six months after the application therefor is made. The term for which the insurance will be continued or the amount of the paid-up policy will be such as the cash value will purchase as a net single premium at the attained age of insured according to the (designate the mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum. If the sum applicable to the purchase of temporary insurance shall be more than sufficient to continue the insurance to the end of the endowment term named in this policy, the excess shall be used to purchase in the same manner non-participating, paid-up pure endowment, payable at the end of the endowment term and on the same conditions. If the owner shall not within one month from default surrender this policy to the company at its home office for a cash surrender value or for paid-up insurance as provided in options (a) and (c) the insurance will be continued as provided in option (b). The paid-up or continued temporary and pure endowment insurance will be payable in twenty equal annual installments and the payment of twenty installments under either option shall discharge the company from all liability under this policy.

The figures in the following table are computed in accordance with the above provisions and upon the assumption that there is no indebtedness on the policy, and that there are not outstanding dividend additions.

(At the option of the company the following may be here inserted:

"The figures apply to a policy for $1,000. As this contract is for $..... the loan, cash, paid-up insurance or pure endowment available in any year will be .... the amount stated in the table for that year.")

Standard forms.

At end of Year.	Cash or Loan Value.	Paid-Up Endowment-insurance.	Continued Insurance. Years.	Months.	Days.	Pure Endowment.
3	$.....	$.....	.....	.....	.....	$.....
4	$.....	$.....	.....	.....	.....	$.....
5	$.....	$.....	.....	.....	.....	$.....
6	$.....	$.....	.....	.....	.....	$.....
7	$.....	$.....	.....	.....	.....	$.....
8	$.....	$.....	.....	.....	.....	$.....
9	$.....	$.....	.....	.....	.....	$.....
10	$.....	$.....	.....	.....	.....	$.....
11	$.....	$.....	.....	.....	.....	$.....
12	$.....	$.....	.....	.....	.....	$.....
13	$.....	$.....	.....	.....	.....	$.....
14	$.....	$.....	.....	.....	.....	$.....
15	$.....	$.....	.....	.....	.....	$.....
16	$.....	$.....	.....	.....	.....	$.....
17	$.....	$.....	.....	.....	.....	$.....
18	$.....	$.....	.....	.....	.....	$.....
19	$.....	$.....	.....	.....	.....	$.....
20	$.....	$.....	.....	.....	.....	$.....

Figures for later years will be furnished upon request.

REINSTATEMENT.—In case of continued temporary insurance under the above provisions, this policy, upon evidence of insurability satisfactory to the company, may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not greater than six) per centum per annum.

.....

.....

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

IN WITNESS WHEREOF, The Company has caused this Policy to be executed this ..... day of .....

OHIO STANDARD LIFE INSURANCE POLICY.

Term.

Age.....

Amount $..... ..... Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF ..... Dollars, receipt of which is hereby acknowledged, and of the payment of (here insert amounts and times of payments of pre-

miums) until ..... full years' premiums shall have been paid or until the prior death of the Insured, Standard forms.

PROMISES to pay upon receipt at the home office of the Company in ..... of due proof of the death of ..... of ..... County of ....., State of ....., herein called the Insured, within ..... years from the date hereof, ... Dollars, less any indebtedness hereon to the Company and any unpaid portion of the premium for the then current policy year, at said home office, to ..... beneficiar ..... with (insert "out" if so desired) right of revocation.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force beyond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a receipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts), and countersigned by said agent.

A grace of one month subject to an interest charge at the rate of ..... per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, consti-

Standard forms.

tute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy shall on the ..... day of ..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums, or

(The policy, at the option of the company, may here provide for a further option as follows):

(3) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company in calculating its reserves) per centum per annum and payable at the maturity of the policy, or at the expiration of the term, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election, the dividends shall be applied to the payment of premiums.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

(If the term of the policy is for more than twenty years, the company shall provide for continuance of insurance on surrender or lapse in the following form):

CONTINUANCE OF INSURANCE ON LAPSE.—In event of default in premium payments after this policy shall have been in force three full years, the reserve hereon according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy will be applied to the purchase of non-participating continued temporary insurance for the face amount of this policy at net single premium rates at the attained age of the insured according to the same table of mortality and rate of interest.

TABLE OF CONTINUED INSURANCE.

At end of year.	Continued Insurance. Years.	Months.	Days.
3	.....	.....	.....
4	.....	.....	.....
5	.....	.....	.....
6	.....	.....	.....
7	.....	.....	.....
8	.....	.....	.....
9	.....	.....	.....
10	.....	.....	.....
11	.....	.....	.....
12	.....	.....	.....
13	.....	.....	.....
14	.....	.....	.....
15	.....	.....	.....
16	.....	.....	.....
17	.....	.....	.....
18	.....	.....	.....
19	.....	.....	.....
20	.....	.....	.....

Figures for later years will be furnished upon request.

(If the term policy is for more than twenty years, the company shall provide for reinstatement in the following form):

REINSTATEMENT.—Upon evidence of insurability satisfactory to the company this policy may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not greater than six) per centum per annum.

OPTIONS AT MATURITY.— The insured, by written notice to the company at its home office, and with written consent of the assignee and irrevocable beneficiary, if any, may elect to have the net sum payable under this policy paid either in cash or as follows:

(1) By the payment of interest thereon at ..... per centum per annum payable annually, to the payee under this policy at the end of each year during the life of the payee and by the payment upon the death of the payee of the said net sum and accrued interest to the executors, administrators or assigns of the payee, unless otherwise directed in said notice.

(2) By the payment of equal annual installments for a specified number of years, the first installment being payable immediately, in accordance with the following table for each $1,000 of said net sum.

(3) By the payment of equal annual installments payable at the beginning of each year for a fixed period of twen-

Standard forms.

ty years and for so many years longer as the payee shall survive in accordance with the following table for each $1,000 of said net sum.

Installments payable under options (2) or (3) which shall not have been paid prior to the death of the payee shall be paid, unless otherwise directed in said notice, to the executors, administrators or assigns of the payee.

If the insured shall not have directed otherwise the beneficiary may, after the death of the insured, by like written notice, and with the written consent of the assignee, if any, select either of the above options.

Unless otherwise specified by the insured the payee may on any interest date receive the amount yet due under option (1), and may at any time receive the commuted value of payments yet to be made, computed upon the same basis as option (2) in the following table, provided that no such commutation will be made under (3), except after the death of the payee occurring within the aforesaid twenty years.

TABLE OF INSTALLMENTS FOR EACH $1,000.

Option (2)		Option (3)	
Number of Annual Installments.	Amount of Each Installment.	Age of Payee when Policy becomes payable.	Amount of Each Installment.

Standard forms.

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

IN WITNESS WHEREOF, The Company has caused this policy to be executed this ..... day of .....

OHIO STANDARD LIFE INSURANCE POLICY.

Term With Right to Renew and Change.

Age.....

Amount $..... Premium $.....

.....

.....

.....

Of (Name of State)

IN CONSIDERATION OF ..... Dollars, receipt of which is hereby acknowledged, and of the payment of (here insert amounts and times of payments of premiums) until ..... full years' premiums shall have been paid or until the prior death of the Insured,

PROMISES to pay upon receipt at the home office of the Company in ..... of due proof of the death of ..... of ..... County of ....., State of ....., herein called the Insured, within ..... years from the date hereof, ... Dollars, less any indebtedness hereon to the Company and any unpaid portion of the premium for the then current policy year, at said home office, to ..... beneficiar ..... with (insert "out" if so desired) right of revocation.

CHANGE OF BENEFICIARY.—When the right of revocation has been reserved, or in the case of the death of any beneficiary under either a revocable or irrevocable designation, the insured, subject to any existing assignment of the policy, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon. If any beneficiary shall die before the insured and the insured shall not have designated a new beneficiary the interest of such beneficiary shall be payable to the insured, (insert "his" or "her") executors, administrators or assigns.

PAYMENT OF PREMIUMS.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

.....

Except as herein provided the payment of a premium or installment thereof shall not maintain the policy in force beyond the date when the next premium or installment thereof is payable.

All premiums are payable in advance at said home office, or to an agent of the company upon delivery of a receipt signed by one or more of the following officers of the company (insert titles of officers who may sign receipts) and countersigned by said agent.

Standard forms.

A grace of one month subject to an interest charge at the rate of ..... per centum per annum shall be granted for the payment of every premium after the first, during which month the insurance shall continue in force. If the insured shall die during the month of grace the overdue premium will be deducted from any amount payable hereon in any settlement hereunder.

CONDITIONS.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide. These restrictions except such as refer to military and naval service in time of war, must be applicable only to cases where the act of the insured provided against occurs within two years after the issuance of the policy.)

INCONTESTABILITY.—This policy and the application therefor, a copy of which is endorsed hereon, constitute the entire contract between the parties and shall be incontestable from its date, except for non-payment of premiums and except as otherwise provided in this policy. All statements made by the insured in said application shall, in the absence of fraud, be deemed representations and not warranties.

If the age of the insured has been misstated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

PARTICIPATION.—This policy shall participate in the surplus of the company and beginning not later than the end of the (insert first, second or third) policy year the company will annually determine and account for the portion of the divisible surplus accruing hereon.

DIVIDENDS.—Dividends at the option of the owner of this policy shall on the ..... day of ..... of each year (here may be inserted "after the first policy year" or "after second policy year") be either—

(1) Paid in cash, or

(2) Applied toward the payment of any premium or premiums,

(The policy, at the option of the company, may here provide for a further option as follows:)

(3) Left to accumulate to the credit of the policy with interest at (here insert a rate not exceeding that used by the company in calculating its reserves) per centum per annum and payable at the maturity of the policy, or at the expiration of the term, but withdrawable on any anniversary of the policy.

Unless the owner of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election, the dividends shall be applied to the payment of premiums.

(If the renewal term is for ten years or less, the policy may provide, as an alternative to the annual distribution of dividends, for a distribution in periods of ten years or less as follows:)

Dividends accruing hereon shall be accumulated during

Standard forms.

each renewal period and at the end of each period on renewal of the policy by the insured shall be paid as an annuity for the next succeeding renewal term and applied towards the payment of premiums during such term.

PRIVILEGE OF RENEWAL.—The owner of this policy, if the insured be not over the age of sixty-five years, may renew this policy for further terms of ..... years each by written notice to the company at its said home office accompanied by this policy for suitable endorsement on or before the expiration of the insurance hereunder and by paying the premiums to be fixed by the age on the birthday nearest to the date of such renewal in accordance with the following table for each one thousand dollars of insurance; if the insured shall be over the age of sixty-five years this policy may upon similar notice be surrendered for an ordinary life policy which shall require premiums during life in accordance with the following table for each one thousand dollars of insurance:

TABLE OF PREMIUMS FOR RENEWALS.

Attained Age.	..Years' Term Premium payable in advance for each $1,000.	Attained Age.	Ordinary Life Premium payable in advance for each $1,000.

Standard forms.

PRIVILEGE TO CHANGE TO OTHER FORMS OF POLICIES.—The owner of this policy may at any time within the first ..... years exchange this policy for a participating policy for the same amount or any less amount upon the ordinary life, limited payment life or endowment plan upon any anniversary of the policy, or within the month of grace by surrendering the policy to the company at said home office with written notice of the election and by paying the premiums to be fixed by the age on the birthday nearest to the date of such exchange, according to the rates of the company then in force.

ASSIGNMENT.—No assignment of this policy shall be binding upon the company, until it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

(If the term of the policy is for more than twenty years, the company shall provide for continuance of insurance on surrender or lapse in the following form:)

CONTINUANCE OF INSURANCE ON LAPSE.—In event of default in premium payments after this policy shall have been in force three full years, the reserve hereon according to the (designate mortality table adopted by the company for computing reserves) mortality table and interest at the rate of (designate rate of interest adopted by the company for computing reserves) per centum per annum, less (here may be inserted not more than two and one-half) per centum of the amount insured by this policy will be applied to the purchase of non-participating continued temporary insurance for the face amount of this policy at net single premium rates at the attained age of the insured according to the same table of mortality and rate of interest.

TABLE OF CONTINUED INSURANCE.

At end of year.	Continued Insurance. Years.	Months.	Days.
3	.....	.....	.....
4	.....	.....	.....
5	.....	.....	.....
6	.....	.....	.....
7	.....	.....	.....
8	.....	.....	.....
9	.....	.....	.....
10	.....	.....	.....
11	.....	.....	.....
12	.....	.....	.....
13	.....	.....	.....
14	.....	.....	.....
15	.....	.....	.....
16	.....	.....	.....
17	.....	.....	.....
18	.....	.....	.....
19	.....	.....	.....
20	.....	.....	.....

Standard forms.

Figures for later years will be furnished upon request.

(If the term of the policy is for more than twenty years, the company shall provide for reinstatement in the following form:)

REINSTATEMENT.—Upon evidence of insurability satisfactory to the company this policy may be reinstated within the first three years of the term for which the insurance is continued by payment of arrears of premiums with interest at (here insert not greater than six) per centum per annum.

OPTIONS AT MATURITY.—The insured, by written notice to the company at its home office, and with written consent of the assignee and irrevocable beneficiary, if any, may elect to have the net sum payable under this policy paid either in cash or as follows:

(1) By the payment of interest thereon at ..... per centum per annum, payable annually, to the payee under this policy at the end of each year during the life of the payee and by the payment upon the death of the payee of the said net sum and accrued interest to the executors, administrators or assigns of the payee, unless otherwise directed in said notice.

(2) By the payment of equal annual installments for a specified number of years, the first installment being payable immediately, in accordance with the following table for each $1,000 of said net sum.

(3) By the payment of equal annual installments payable at the beginning of each year for a fixed period of twenty years and for so many years longer as the payee shall survive in accordance with the following table for each $1,000 of said net sum.

Installments payable under options (2) or (3) which shall not have been paid prior to the death of the payee shall be paid, unless otherwise directed in said notice, to the executors, administrators or assigns of the payee.

If the insured shall not have directed otherwise the beneficiary may, after the death of the insured, by like written notice, and with the written consent of the assignee, if any, select either of the above options.

Unless otherwise specified by the insured the payee may on any interest date receive the amount yet due under option (1), and may at any time receive the commuted value of payments yet to be made, computed upon the same basis as option (2) in the following table, provided that no such commutation will be made under (3), except after the death of the payee occurring within the aforesaid twenty years.

Standard forms.

TABLE OF INSTALLMENTS FOR EACH $1,000.

Option (2)		Option (3)	
Number of Annual Installments.	Amount of Each Installment.	Age of Payee when Policy becomes payable.	Amount of Each Installment.

AGENTS ARE NOT AUTHORIZED to modify this policy or to extend the time for paying a premium.

IN WITNESS WHEREOF, The Company has caused this Policy to be executed this ..... day of .....

Single premium policies.

SECTION 3. Single premium policies may be issued in any form prescribed in section 2, omitting therefrom provisions or portions thereof applicable only to other than single premium policies. Non-participating policies may be issued in any form prescribed in section 2 if they shall contain a provision that the policy shall be non-participating, and such policies shall omit therefrom clauses for participation in the surplus of the company.

Non-participating policies.

Preliminary term.

SECTION 4. Policies issued on the standard forms prescribed in section 2 may provide for not more than one year preliminary term insurance by incorporation therein of the following clause immediately preceding the "Change of Beneficiary clause":—

"The first year's insurance under this Policy is Term insurance."

If the premium charged for Term insurance under a Limited-Payment Life Preliminary Term policy providing for the payment of all premiums thereon in less than twenty years from the date of the policy or under an Endowment Preliminary Term Policy, exceeds that charged for like insurance under Whole Life Preliminary Term policies of the same company, the reserve thereon at the end of any year, including the first, shall not be less than the reserve on a Whole Life Preliminary Term Policy issued in the same year and at the same age together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a Pure Endowment at the end of the premium-payment period equal to the difference between the value at the end of such period of such a Whole Life Preliminary Term Policy and the full reserve at such time of such a Limited-Payment Life or Endowment Policy.

Pure endowment.

SECTION 5. No policy of life insurance in form other than as provided in section 2 shall be issued or delivered in this state or be issued by a life insurance company organized under the laws of this state unless the same shall contain the following provisions:

Policies, other than standard forms.

(1) A provision that all premiums shall be payable in advance either at the home office of the company, or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be named in the policy.

(2) A provision for a grace of one month for the payment of every premium after the first, which may be subject to an interest charge, during which month the insurance shall continue in force, which provision may contain a stipulation that if the insured shall die during the month of grace the over-due premium will be deducted in any settlement under the policy.

(3) A provision that the policy and the application therefor, a copy of which must be endorsed thereon, shall constitute the entire contract between the parties and shall be incontestable after two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to naval and military service in time of war.

(4) A provision that all statements made by the insured in the application shall, in the absence of fraud, be deemed representations and not warranties.

(5) A provision that if the age of the insured has been understated the amount payable under the policy shall be such as the premium would have purchased at the correct age.

(6) A provision that the policy shall participate in the surplus of the company and that, beginning not later than the end of the third policy year, the company will annually determine and account for the portion of the divisible surplus accruing on the policy, and that the owner of the policy shall have the right each year to have the current divi-

dend arising from such participation paid in cash or applied to the purchase of paid-up additions, and if the policy shall provide other dividend options, it shall further provide that if the owner of the policy shall not elect any such other options the dividend shall be applied to the purchase of paid-up additions.

In lieu of the foregoing provision the policy may contain a provision that the policy shall participate in the surplus of the company, and that, beginning not later than the end of the fifth policy year, the company will determine and account for the portion of the divisible surplus accruing on the policy, and that the owner of the policy shall have the right to have the current dividend arising from such participation paid in cash, and that at periods of not more than five years such accounting and payment, at the option of the policy holder, shall be had.

Renewable term policies of ten years or less may provide that the surplus accruing to such policies shall be determined and apportioned each year after the second policy year and accumulated during each renewal period and that at the end of any renewal period on renewal of the policy by the insured, the company shall apply the accumulated surplus as an annuity for the next succeeding renewal term in the reduction of premiums.

These provisions shall not be required in non-participating policies.

(7) A provision that after three full years' premiums have been paid, the company at any time, while the policy is in force, will advance, on proper assignment of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the owner of the policy, less than, the reserve at the end of the current policy year on the policy and on any dividend additions thereto, specifying the mortality table and rate of interest adopted for computing such reserve, less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto; and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made. It shall be further stipulated in the policy that failure to repay any such advance or to pay interest shall not avoid the policy unless the total indebtedness thereon to the company shall equal or exceed such loan value at the time of such failure nor until one month after notice shall have been mailed by the company to the last known address of insured and of the assignee, if any.

No condition other than as herein provided shall be exacted as a prerequisite to any such advance.

This provision shall not be required in term insurances.

(8) A provision which, in event of default in premium payments, after premiums shall have been paid for three years, shall secure to the owner of the policy a stipulated form of insurance, the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto, specifying the mortality table and rate of interest adopted for computing such reserves, less a sum not more than two and one-half per centum of the amount insured by the policy and of any existing dividend additions thereto, and less any existing indebtedness to the company on the policy. Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the company may defer payment for not more than six (6) months after the application therefor is made.

This provision shall not be required in term insurances of twenty years or less.

(9) A table showing in figures the loan values, and the options available under the policies each year upon default in premium payments, during at least the first twenty years of the policy, beginning with the year in which such values and options become available.

(10) A provision that if, in event of default in premium payments, the value of the policy shall be applied to the purchase of other insurance, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums with interest.

(11) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death, or not later than two months after receipt of such proof.

(12) A table showing the amounts of installments in which the policy may provide its proceeds may be payable.

(13) A title on the face and on the back of the policy correctly describing the same.

Any of the foregoing provisions or portions thereof relating to premiums not applicable to single premium policies, shall to that extent not be incorporated therein.

SECTION 6. No policy of life insurance in form other than as prescribed in section 2 shall be issued or delivered in this state or be issued by a life insurance company organized under the laws of this state, if it contain any of the following provisions:

Provisions prohibited.

(1) A provision for forfeiture of the policy for fail-

ure to repay any loan on the policy or to pay interest on such loan while the total indebtedness on the policy is less than the loan value thereof; or any provision for forfeiture for failure to repay any such loan or to pay interest thereon, unless such provision contain a stipulation that no such forfeiture shall occur until at least one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any.

(2) A provision limiting the time within which any action at law or in equity may be commenced to less than five years after the cause of action shall accrue.

(3) A provision by which the policy shall purport to be issued or to take effect before the original application for the insurance was made, if thereby the assured would rate at an age younger than his age at date when the application was made, according to his age at nearest birthday.

(4) A provision for any mode of settlement at maturity of less value than the amount insured on the face of the policy plus dividend additions, if any, less any indebtedness to the company on the policy and less any premium that may by the terms of the policy be deducted.

SECTION 7. Preliminary term policies not issued on the standard forms shall also be subject to the provisions of section 4.

SECTION 8. No policy of life insurance shall be issued or delivered in this state, or be issued by a life insurance company organized under the laws of this state, until the form of the same has been filed with the superintendent of insurance; and after the superintendent of insurance shall have notified any company of his disapproval of any form it shall be unlawful for such company to issue any policy in the form so disapproved. The superintendent's action shall be subject to review by any court of competent jurisdiction.

SECTION 9. The policies of a life insurance company, not organized under the laws of this state, may contain any provision which the law of the state, territory, district or country under which the company is organized, prescribes shall be in such policies when issued in this state, and the policies of a life insurance company organized under the laws of this state may, when issued or delivered in any other state, territory, district or country, contain any provision required by the laws of the state, territory, district or country in which the same are issued, anything in this act to the contrary notwithstanding.

SECTION 10. This act shall not apply to annuities, industrial policies or to corporations or associations operating on the assessment or fraternal plan.

SECTION 11. Wherever the word company is used in this act it shall be held to include corporations and associations.

SECTION 12. This act shall take effect and be in force on and after January 1, 1909.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
94G.

[House Bill No. 969.]

AN ACT

Defining the status of persons soliciting life insurance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the assured or his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company and not the agent of the assured. **Solicitor is agent of company.**

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
95G.

[House Bill No. 970.]

AN ACT

To prohibit misrepresentations by life insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No life insurance company doing business in this state and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the **Misrepresentation.**

dividends or shares of surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof.

Penalty.

SECTION 2. Every corporation which shall violate any of the provisions of this act shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, to be recovered by action in the name of the state, and the amount so recovered shall be paid into the county treasury for the benefit of the common school fund.

Penalty.

SECTION 3. Every officer, director, or agent of any such corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, or imprisonment in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
96G.

[House Bill No. 971.]

AN ACT

Requiring separate annual statements of profits and losses of participating and non-participating business of life insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

Annual statements.

SECTION 1. That every life insurance company doing business in this state and issuing policies on both the participating and non-participating plans shall file with the superintendent of insurance separate annual statements of profits and losses with reference to each of such kinds of insurance.

SECTION 2. This act shall take effect and be in force from and after January 1st, 1909.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
97G.

[House Bill No. 972.]

AN ACT

Regulating disbursements by life insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No domestic life insurance company shall make any disbursement of one hundred dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm, or corporation receiving the money and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements the voucher shall set forth the service rendered and an itemized statement of the disbursements made. If the expenditure be in connection with any matter pending before any legislative or public body, or before any department or officer of any state or government, the voucher shall correctly describe, in addition, the nature of the matter and of the interest of such company therein. When such voucher cannot be obtained the expenditure shall be evidenced by an affidavit describing the character and object of the expenditure and stating the reason for not obtaining such voucher.

Disbursement, by voucher.

Affidavit.

SECTION 2. Any company violating the provisions of this act shall be fined not less than ten dollars nor more than one thousand dollars.

Penalty.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.

98G.

[House Bill No. 973.]

AN ACT

To prohibit false statement of assets or financial standing of any life insurance company or association by said companies or their agents.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No insurance company, corporation, or association, authorized to transact business in this state, nor any agent thereof, shall state or represent, either by advertisement in any newspaper, magazine, or periodical, or by any sign, circular, card, policy of insurance, certificate or renewal thereof, or otherwise, any funds or assets to be in its possession not actually possessed by it and available for

Misrepresentation by advertisement, sign, card, etc.

the payment of losses and claims, and held for the protection of its policy-holders or creditors. The advertising of subscribed capital not actually paid up in cash, shall constitute a violation of the provisions of this section.

SECTION 2. Every advertisement or public announcement and every circular or card made or issued by any company, corporation, or association authorized to transact the business of insurance within this state, which shall purport to make known the financial standing of any such company, corporation, or association, shall in all particulars which it purports to give, correspond with the last preceding verified statement made by said company, corporation, or association, to the insurance department of this or any other state.

Advertisement to agree with verified statement.

SECTION 3. Every person or corporation violating any provision of sections 1 or 2 shall, for the first offense, forfeit to the state five hundred dollars; and for every subsequent offense shall forfeit to the state one thousand dollars.

Forfeitures.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
99G.

[House Bill No. 974.]

AN ACT

To amend section 279 of the Revised Statutes relating to annual valuation of policies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 279 of the Revised Statutes be amended so as to read as follows:

Annual net valuations.

Sec. 279. The superintendent shall, annually, make or cause to be made, net valuations of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company transacting business in this state; and for the purpose of such valuations, and for making special examinations of the condition of life insurance companies, as provided in the laws of this state relating to life insurance companies, and for valuing all policies of whatever description, and for any purpose whatever, the rate of interest shall be four per cent. per annum, and the rate of mortality shall be established by the table known as the American Experience Table, but such valuations

4% per annum.

Am. Experience Table.

may be made according to the standards of valuation adopted by the company for the obligations to be valued, provided the total valuation determined by any such standards for the obligations for which they have been adopted shall not be less than that determined by the legal minimum standard herein prescribed, and provided such standards of valuation adopted by the company for the obligations to be valued shall not be less than the standards adopted by the company in computing its premiums and guarantees, but when the laws of any other state of the United States authorize a valuation of life insurance policies, by some designated state officer, according to the standard herein provided, or according to any other standard which makes the value of the policy not less than that of the standard herein provided, the valuation made according to the said standard, by such officer, of the policies and other obligations of any life insurance company not organized under the laws of this state, and certified by said officer, shall be received as true and correct, and no further valuation of the same shall be required of such company by the superintendent of insurance, except that in no case shall the superintendent of insurance accept the certificate of valuation of such officer of another state of the United States, when such officer does not accept, or refuses or fails to accept a like certificate from him of the valuation of the policies of any life insurance company incorporated under the laws of Ohio; or when any such officer of another state is prohibited by law from accepting the certificate of valuation of the superintendent of insurance of this state, the said superintendent shall forthwith require the officers of all companies located in such state to submit to him within a reasonable time, the descriptions of the policies thereof for valuation, and he shall proceed to make, or cause to be made, a valuation thereof according to the standard herein named, and in case said descriptions are not submitted to the said superintendent within the time fixed by him, he shall revoke the license of such company or companies as shall fail to do so and shall refuse to renew the same until such descriptions shall be submitted and a valuation by him shall have been completed.

Foreign states, valuation of policies, how obtained.

Revocation of license.

Where by the laws of any other state or country an annual valuation of the policies of life insurance companies of such state or country is required to be made by a state officer of such state or by an officer of such country the valuation so made by such state officer or officer of such country of the policies of any company organized under the laws of the state or country in which such valuation is made in accordance with the standards prescribed by the laws of such state or country may be accepted by the superintendent of insurance of this state, and if so accepted by the superintendent of insurance, such valuation shall stand in the place of any valuation of such policies required to be made by the superintendent of insurance of this state.

Valuations may be accepted by superintendent.

SECTION 2. That said original section 279 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
100G.

[House Bill No. 976.]

AN ACT

To amend section 3598 of the Revised Statutes, relating to investments of accumulations of home companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3598 of the Revised Statutes of the state of Ohio, as amended March 5, 1902, be amended so as to read as follows:

Sec. 3598. A company organized under the laws of this state may invest its accumulations as follows, and may sell, change, or re-invest the same, or any part thereof, at pleasure:

Accumulations, how invested.

Bonds.

1. In United States, state, county or city bonds, if the market value of the bonds, at the date of purchase, is at least eighty per cent. of their par value.

Mortgages upon real estate.

2. In bonds and mortgages upon unincumbered real estate, the market value of which real estate is at least double the amount loaned thereon, at the date of the investment, and in bonds and mortgages upon leasehold estates on real estate for ninety-nine years renewable forever, unincumbered, except rentals accruing therefrom o the owner of the fee, the market value of which leasehold estate is at least double the amount loaned thereon at the date of investment.

If the amount loaned shall exceed one-half the value of the land mortgaged, or one-half the value of the leasehold estate mortgaged, exclusive of structures thereon, such structures shall be insured in an authorized fire insurance company, or companies, in an amount not less than the difference between one-half the value of such land, or leasehold estate, exclusive of structures, and the amount loaned, and the policy, or policies, shall be assigned to the mortgagee; and the value of such real estate, or leasehold estate, shall be determined by a valuation, made under oath, by two real estate owners, residents of the county where the real estate, or leasehold, is located.

Structures must be insured.

Policies assigned to mortgagee.

Pledge of bonds.

3. In loans upon the pledge of such bonds or mort-

gages, if the current market value of the bonds or mortgages is at least twenty-five per cent. more than the amount loaned thereon.

4. In loans upon its own policies, not exceeding the reserve or present value thereof computed according to the American Experience Table of Mortality with interest at four per cent., or according to such other higher standard or standards as the company may have adopted, the reserve being the amount of debts of life insurance companies by reason of their outstanding policies in gross, and which may be so treated in the returns for taxation made by such companies. Loans upon policies.

This section shall not prohibit any company from accepting any other assets than herein enumerated in payment of debts due the company, in order to protect its interests, or from acquiring real estate for its own use, or by foreclosure in accordance with the laws of the state. Debts due company, excepted.

SECTION 2. That said original section 3598 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
101G.

[House Bill No. 977.]

AN ACT

To amend section 3602 of the Revised Statutes relating to the payment of dividends by home companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3602 of the Revised Statutes be amended so as to read as follows:

Sec. 3602. The directors, managers or officers of any company organized under the laws of this state shall not, directly or indirectly, make or pay any dividend, or pay any interest, bonus, or other allowances in lieu of dividend, to its stockholders, except from the surplus funds after setting aside an amount equal to the reserve on all its outstanding risks and policies, calculating the same by the table known as the American Experience Table with interest at four per cent. per annum, or by such other higher standard or standards as the company may have adopted, and the unearned premium on all personal accident and sickness insurance. Dividends.

SECTION 2. That said original section 3602 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
102G.

[House Bill No. 978.]

AN ACT

To amend section 3603 of the Revised Statutes relating to annual reports.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3603 of the Revised Statutes be amended so as to read as follows:

Sec. 3603. The president or vice-president, and secretary or actuary, or a majority of the directors, of each company organized under the laws of this state, shall, annually, on the first day of January, or within sixty days thereafter, prepare, under oath, and deposit in the office of the superintendent of insurance, a statement showing the condition of the company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, to-wit:

Annual statement.

1. The number of policies issued during the year.
2. The amount of insurance effected thereby.
3. The amount of premiums received during the year.
4. The amount of interest, and all other receipts, specifying the items.
5. The amount paid to policy holders of the company for losses during the year.
6. The amount of all other expenditures and disbursements of the company, specifying such items as the superintendent may call for.
7. Amount of losses unpaid.
8. Whole number of policies in force.
9. Amount insured thereby.
10. Amount of reserve on all policies in force, calculating the same by the table known as the American Experience Table of Mortality with interest at four per cent., per annum, or by such other higher standard or standards as the company may have adopted, and the unearned premium on all personal accident and sickness insurance in force.
11. Amount of capital stock, specifying amount paid and unpaid.

12. Amount of dividends unpaid; also amount of all other liabilities.

13. A detailed statement of all the assests of the company, and the manner of their investment.

14. A statement that such company has not violated any provision of an act entitled, "An act to prevent the corruption of elections by corporations, passed Feb. 25, 1908," in the form required by the superintendent of insurance.

15. An exhibit of the policy obligations of the company, which shall include, in the first annual statement, a schedule showing the number, date, age when insured, amount insured, term of policy, term of premium and amount of premium, of all policies issued and schedules of all policies cancelled, revived, changed, reduced or increased and schedule of reinsurances in other companies, and in every succeeding annual statement a schedule of the foregoing items as to all policies issued during the year, and similar schedules of policies cancelled, revived, changed, reduced, or increased during the year, together with schedules of reinsurances in other companies and schedules of additions to policies and a list of all other obligations of the company requiring valuation.

Such exhibit of the policy obligations of the company may be required oftener than once a year.

SECTION 2. That said original section 3603 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
103G.

[House Bill No. 980.]

AN ACT

To amend section 1 of an act entitled, "An act relating to life insurance companies doing business in the state of Ohio, passed April 10, 1889, and amended April 27, 1893, relating to rebates and discriminations."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act relating to life insurance companies doing business in the state of Ohio," passed April 10, 1889, as amended April 27, 1893, be amended to read as follows:

Sec. 1. No life insurance company doing business in

Discriminations prohibited.

Ohio shall make or permit any distinction or discrimination in favor of individuals between insurants (the insured) of the same class and equal expectation of life in the amount or payment of premiums, or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any such company, or any agent thereof, make any contract of insurance, or agreement as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor or representative thereof, pay, allow, or give, or offer to pay, allow or give directly or indirectly as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever not specified in the policy contract of insurance; or give, sell or purchase, or offer to give, sell or purchase as inducement to insurance or in connection therewith any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon or anything of value whatsoever not specified in the policy.

Contract must be plainly expressed in policy.

Rebates.

SECTION 2. That said section 1 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.

104G.

[Senate Bill No. 340.]

AN ACT

To revise the statutes of Ohio relating to children's homes and to dependent and neglected children, by amending and repealing certain sections of the Revised Statutes of Ohio, herein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 929, 930, 930*b*, 931, 931*b*, 931*c*, 932, 933, 934, 2181, 2183 and 3137 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 929. The commissioners of any county may, when in their opinion the interests of the public demand it,

or upon the request of two hundred or more taxpayers by written petition, shall submit the question of establishing a children's home for such county or for two or more counties composing a district, and the issue of county bonds or notes to provide funds for the purchase of a site, and the erection thereon of said home, to the qualified electors of such county, or to the qualified electors of counties forming such district, at the next regular election for ratification or approval. Notice of said election shall be published in two or more newspapers printed and of general circulation in said county or in counties of said district, for at least two weeks prior to taking such vote, together with the maximum amount of money proposed to be expended in establishing said home. If a majority of electors voting for such proposition at such general election in such county, or in the counties of such district, are in favor of establishing said home, then the commissioners of said county, or the commissioners of any adjoining counties in such district, having so voted in favor thereof, shall provide for the purchase of a suitable site and the erection of the necessary buildings, to be styled the children's home for such county, or for such district, and provide means by taxation for such purchase and support of same. Such commisioners are authorized to receive and hold in trust for the use and benefit of said home, any grant or devise of land and any donation or bequest or money or other personal property that may be made for the establishment and support of said home. The commissioners of any county, for this purpose are authorized to issue the notes or bonds of said county in anticipation of the collection of taxes levied or to be levied for the purchase of a suitable site and erection of the necessary buildings, or for the purchase of a suitable site and buildings already erected thereon, said notes or bonds to bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, and said notes or bonds shall not be sold for less than their par value.

Petition of of 200 taxpayers for children's home.

Notice of election.

Donations or bequests.

Sec. 930. When the necessary site and buildings are provided by the county, the commissioners shall appoint a board of four trustees, not more than two of whom shall be of the same political party, who shall hold their offices as follows: One for one year, one for two years, one for three years, and one for four years, from the first Monday of March thereafter; and annually after said board is so constituted, the county commissioners shall, on the first Monday of March, appoint one trustee for said children's home, who shall hold his office for the term of four years and until his successor is appointed and qualified. In case of vacancy caused by death, resignation or removal, the commissioners shall immediately fill such vacancy by an appointment for the unexpired term of the original appointment. The commisioners shall have power to remove any trustee appointed by said board of commissioners for cause impairing faithful, efficient and intelligent administration, or on account of conduct unbecoming to such office, after

Trustees, terms of.

Vacancy, how filled.

an opportunity is given to be heard upon written charges, but no removal shall be made for political reasons. Said board of trustees shall designate some suitable person who shall act as superintendent of said home and who shall also be clerk of said board of trustees; and who shall receive for his services such compensation as the board of trustees designate at the time of his appointment. He shall perform all such duties, and give security for the faithful performance of them, as the trustees may require. The superintendent shall have entire charge and control of said home, and the inmates therein, subject to such rules and regulations as shall be prescribed by the trustees. The trustees may, upon the recommendation of the superintendent, appoint a matron, assistant matron, and teacher, whose duties shall be the care of the inmates of said home, to direct their employment, giving suitable physical, mental and moral training to them. The matron shall, under the direction of the superintendent, have the control, general management and supervision of the household duties of said home, and the matron, assistant matron and teacher shall each perform such other duties, and receive for their services such compensation as the trustees may by by-laws from time to time direct. They may be removed at the pleasure of the trustees, or a majority of them. The superintendent may suspend temporarily a matron, assistant matron, or teacher, notice of which must be immediately given to the board of trustees for their approval or disapproval: provided, that the trustees may, if in their judgment it is for the best interest of the home and of the county, dispense with a superintendent and authorize the matron to assume entire charge of the home and its management. The trustees shall not receive any compensation for their services, but the said trustees and the superintendent shall be allowed their necessary expenses while on duty, including expenses as duly accredited delegates to state and national conferences devoted to child-saving and other charitable and correctional work, and said expenses shall be paid in same manner as the other current expenses of the children's homes, and shall not exceed $400.00 per year, for any county.

Superintendent, how appointed.

Matron and teacher.

Trustees to receive no compensation.

Sec. 920*b*. That the trustees shall have power to employ a teacher to teach the school in any such home, as provided by law, when in the judgment of the trustees, the same is advisable. The clerk of the board of trustees is hereby authorized, and it shall be his duty, to take and return to the county auditor the names and ages of all youth of school age in such home during the two weeks ending on the fourth Saturday in July. The state common school fund, not otherwise appropriated by law, shall be apportioned, in proportion to the enumeration of youth, to such home and other districts, subdistricts and joint subdistricts within the county. The amount of money due such home under such apportionment shall be set apart by the auditor of the county, and the same shall become a part of the children's home fund and used to maintain a common school

Clerk to report names and ages to auditor.

Common school in home.

in such home, and the same shall be paid out on certificate of the trustees, stating the amount in the certificate, and the purposes of the same, and the county auditor shall thereupon issue his warrant on the treasurer for the amount so certified; provided, that the provisions of this section shall not apply to children's homes in counties where the children in such homes attend the public schools.

Maximum age 16 years.

Sec. 931. The home shall be an asylum for all children under the age of sixteen years, of sound mind and free from all infectious or contagious diseases, who have resided in the county not less than one year; and for such other children under such age from other counties in the state where there is no home located, as the trustees of such home and the party, parties or authorities, having the custody and control of such children, by contract agree upon, who are, in the opinion of the trustees, suitable children for admission by reason of abandonment by parents, or orphanage, or neglect, or inability of parents to provide for them. They shall be admitted by the superintendent on the order of a majority of such trustees, accompanied by a statement of facts signed by them, setting forth the name, age, birthplace, and present condition of the child named in such order, which statement of facts contained in the order, together with any additional facts connected with the history and condition of said children shall be, by the superintendent, recorded in a record provided for that purpose, which record shall be confidential and only open for inspection at the discretion of the trustees.

Order of majority of trustees.

Record to be confidential.

Certificates of infirmary directors.

Sec. 931*b*. All children now maintained in the county infirmary of any county in this state, or who shall hereafter be received into any such county infirmary, and shall become eligible to the children's home of such county or district, shall be certified to the trustees thereof by the infirmary directors. All children who are found by township trustees to be proper subjects for the care of the county, and eligible to such children's home, shall be certified to the trustees of the home by the trustees of the township of which they are residents, and shall be conveyed to such home by the township trustees, and the expenses thereof paid out for the township poor fund; but in case any child shall be found abandoned and destitute, and is eligible to the children's home, the superintendent of the home may provide and care for it temporarily, until the proper officers can be notified.

Certificates of township trustees.

Unlawful to keep children in infirmary.

Sec. 931*c*. It shall be unlawful to keep or maintain in any county infirmary in this state, any child or children, entitled to admission into a children's home, except such as are imbecile, idiots or insane. The board of commissioners of any county in the state, where such home has not already been provided, shall make temporary provisions for such children by transferring them to the nearest children's home where they can be received and kept at the expense of the county, or by leasing suitable premises for that purpose,

which shall be furnished, provided and managed in all respects as now provided by law for the support and management of children's homes in the state of Ohio; provided, that the commissioners may provide for the care and support of such children within their respective counties, in the manner deemed best for the interest of children, and the commissioners shall levy an additional tax, which shall be used for that purpose only.

Tax levy by commissioners.

Sec. 932. All inmates of said home who by reason of abandonment, neglect, or dependence have been admitted, or who have been by the parent or guardian voluntarily surrendered to the trustees, shall be under the sole and exclusive guardianship and control of the trustees during their stay in said home, until they arrive at the age of sixteen years; and if such child is placed out, indentured or adopted, then such control shall continue until such child shall become of lawful age. The trustees may remove any child, who has become a charge upon the county and who has no legal settlement therein, to the county to which it may belong, and all charges and expenses so made shall be paid by the county to which it may belong. The said trustees may discharge any inmates of said home and may return them to their parents or guardians when they believe them capable of providing for themselves or their parents or guardians for them.

Guardianship of trustees.

Discharge of inmates.

Sec. 933. The trustees shall seek homes in private families for all children eligible to be placed out, but before allowing any such child to leave the home they shall cause the proposed foster home to be carefully investigated and satisfy themselves that the persons applying are suitable persons to have the care and bringing up of the child. The trustees shall have scrupulous regard to the religious and moral character of the persons with whom such child is placed in order to secure to such child the benefits of good example and wholesome instruction and opportunity of becoming an intelligent and useful citizen. The trustees shall require an agreement in writing to be entered into, that such child so placed out shall be furnished with good and sufficient food, clothing and a public school education, and the payment to such child of a reasonable amount, to be named in said agreement, upon his or her becoming of age, provided he or she shall remain in such foster family until becoming of age and not otherwise. For the purpose of securing the well-being and progress of such children, placed out as aforesaid, and the enforcement of such agreement, said trustees shall have the control and guardianship of such children until they become of age.

Foster home to be investigated.

Written agreement.

Full and complete records of such inmates shall be kept in the children's home and they shall be uniform throughout the state. It shall be the duty of the board of state charities to secure such uniformity by providing a standard form of blanks and records for the guidance of such institutions, wherein shall be recorded the full name,

Uniformity of records.

age, place of residence, name of parents or other relatives, so far as obtainable, and such other information as the board of state charities may require, which records shall not be open to inspection unless on special permission of the trustees. The name and place of residence of the person with whom such child is placed or by whom adopted shall be recorded together with the terms of the indenture in a separate record, which shall not be open to inspection except by special permission of the trustees, having regard at all times to the well-being of the child.

Visitation, duty of trustees.

The trustees shall visit, or cause to be visited, each child placed out by them, at least once in each year, and as much oftener as the welfare of such child may require until such time as it is evident that such child is permanently and happily established in such home, and thereafter such visits may be discontinued. The trustees may at any time vacate any agreement or indenture when the welfare of the child may demand it, and, replace the child in another family home or return it to the institution.

Quarterly report.

Sec. 934. The board of trustees shall report quarterly to the board of commissioners of the county the condition of the home, and make out and deliver to the board of commissioners a carefully prepared estimate, in writing, of the wants of the home for the succeeding quarter, which estimate shall specify separately the amounts required for each of the following purposes, to-wit: First—Food, fuel and forage. Second—Clothing. Third—Pay of officers and employes. Fourth—Repairs. Fifth—Improvements of buildings and grounds. Sixth—Books and stationery. Seventh—Furniture. Eighth—Transportation of inmates. Ninth—Live stock. Tenth—Other expenses. The board of commissioners, at their regular quarterly meeting at which such estimate is presented to them, shall carefully examine said estimate, and if, in their judgment, said estimate is reasonable and ratably within the assessment for the support of the home for the current year, or so much thereof as they deem reasonable and within such assessment, said board of commissioners shall allow and approve, and shall appropriate and set apart for the use of said home, and the county auditor shall, upon the order of the board of trustees of such home, draw his warrant upon the county treasurer, who shall pay such warrant out of the fund so appropriated and set apart. Said trustees shall contract no debts and make no purchase in excess of the amount so appropriated. It shall be unlawful for any member of the board of trustees of a children's home to sell or supply any article for the maintenance of said home or to be interested in any contract made by said board. Said board of trustees shall also make an annual report in writing to the board of commissioners on the 31st day of August of each year, of the condition, wants and operation of said home, including a statement of the number of inmates, and if from other counties, the terms upon which they are admitted, and also an accurate account of all receipts and ex-

Unlawful for trustee to furnish supplies to board.

Annual report.

penditures. The superintendent shall have authority under the rules and regulations adopted by the board of trustees to sell products not needed to maintain the home, and all receipts from this and other sources shall on the last day of each month be paid into the county treasury, to be placed to the credit of the children's home fund, to be paid out by the board of trustees as exigency may require.

Products may be sold.

Sec. 2181. In all cities where children's homes or industrial schools may be established under the incorporation law of the state, the trustees and managers of such institutions may take under their guardianship all children who may be placed under their care and management in either of the following modes:

Incorporated homes or schools in cities.

First—Children under sixteen years of age, who are voluntarily surrendered by the father and mother, or in the case of the death, or long continued or wilful absence of the father, by the mother, or by their guardians, to the care of such trustees and managers, they being by virtue of such surrender invested with the same power over the persons of the children as the parents or guardians.

Voluntary surrender of children.

Second—Children under sixteen years of age who, upon the application of the trustees and managers, may be committed to their care by any judge of probate court, mayor of such city, or judge of juvenile court, on account of vagrancy or exposure to want and suffering, or neglect or abandonment by their parents or guardians, or other persons having custody of such children, or in accordance with the request of their mother or next friend in case of the habitual intemperance, abuse, or neglect of their father; and such judge of probate court, or mayor, or judge of juvenile court, so committing any child to the care of the trustees and managers, shall annex to the commitment an abstract of the evidence taken by him and on which his adjudication was founded, which evidence shall have been taken under oath.

Committed by judge or mayor.

Abstract of evidence.

Sec. 2183. The trustees and managers shall require an agreement to be enterd into, that each and every child so placed shall be furnished with good and sufficient food and clothing and a suitable common school education; the trustees and managers may indenture any such child when in their judgment it may seem best, and shall provide themselves with records, in which shall be entered the age, parentage, place of residence, and present condition of every child received in any such children's home or industrial school; and they shall also cause to be entered in such records the time when, the place where, and the persons to whom any of the inmates of such children's home or industrial school have been placed for suitable homes, or indentured, together with a substantial statement of any contract made between such trustees and managers, and the person receiving such child.

Records, what to contain.

Sec. 3137. Any suitable person not married, or a husband and wife jointly, may petition the probate court

of the county in which a minor child not theirs by birth resides, for leave to adopt and for a change of the name of such child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane, intemperate, or has not abandoned such child, or if there are no such parents, or if the parents are unknown, or have abandoned such child, or if they are hopelessly insane or intemperate, then by the legal guardian, or if there is no such guardian, then by a discreet and suitable person appointed by the court to act in the proceedings as the next friend of such child. Adoption.

But when such child is an inmate of an orphan asylum, or children's home, organized under the laws of this state, and has been previously abandoned by its parents or guardians, or voluntarily surrendered by its parents or guardians to the trustees or directors of such asylum, or children's home, then the written consent of the president, or in his absence or disability, the vice-president, of the board of trustees or directors of such asylum, or children's home, shall be received by the probate court in place of the consent of the parents or guardians.

SECTION 2. That the said original sections 929, 930, 930*b*, 931, 931*b*, 931*c*, 932, 933, 934, 2181, 2183 and 3137, and sections 930*a* and 932*a*, of the Revised Statutes of Ohio, and an act for the regulation of children's homes and industrial schools established under the general incorporation law of the state in counties containing a city of the first class and second grade, and to repeal an act supplementary to the act of 1877, for the establishment, support, and regulation of children's homes in the several counties and children's home districts in this state, passed April 24, 1877, and an act passed May 27, 1879, and amended January 27, 1882, entitled, "An act to authorize the establishing of a children's home in Meigs county," be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.
105G.

[Senate Bill No. 413.]

AN ACT

To regulate the treatment and control of dependent, neglected and delinquent children, and to repeal certain acts therein named.

Be it enacted by the General Assembly of the State of Ohio:

What courts to have powers and jurisdiction.

SECTION 1. Courts of common pleas, probate courts and insolvency courts and superior courts, where established, shall have and exercise, concurrently, the powers and jurisdiction hereinafter in this act conferred. Provided, that the judges of said courts, at such times as they may determine, shall designate one of their number to transact the business arising under said jurisdiction. Where the term of the judge so designated expires, or his office terminates, another designation shall be made in like manner.

Seal, attachment of.

SECTION 2. The seal of the court, the judge of which is designated to transact the business of the jurisdiction herein provided, shall be attached to all writs and processes.

Appearance docket and journal.

SECTION 3. The clerk of the court of the judge exercising the jurisdiction shall keep an appearance docket and a journal, in the former of which shall be entered the style of the case and a minute of each proceeding and in the latter of which shall be entered all orders, judgments and findings of the court.

Jurisdiction specified.

SECTION 4. Such courts of common pleas, probate courts, insolvency courts and superior courts within the provisions of this act, shall have jurisdiction over and with respect to delinquent, neglected and dependent minors, under the age of seventeen years, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent, neglected and dependent children, and their parents, guardians, or any person, persons, corporation or agent of any corporation responsible for or guilty of causing, encouraging, aiding, abetting or contributing toward the delinquency, neglect or dependency of such minor; provided, however, that when any child under the age of seventeen years shall, under the provisions of this act, come into the custody of the court, such child shall continue for all necessary purposes of discipline and protection, a ward of such court, until he or she shall attain the age of twenty-one years, and the power of said court over any such child so brought under the jurisdiction shall be a continuing power until such child attains the age hereinbefore specified.

"Delinquent child" defined.

SECTION 5. For the purpose of this act, the words "delinquent child" shall include any child under seventeen years of age who violates any law of this state or any city or village ordinance, or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who know-

ingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool or billiard room or bucket shop; or who wanders about the streets in the night time; or who wanders about any railroad yards or tracks, or jumps or catches on to any moving train, traction or street car, or enters any car or engine without lawful authority; or who uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct; or who uses cigarettes; or who visits or frequents any theater, gallery or penny arcade where any lewd, vulgar or indecent pictures are exhibited or displayed. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against in the manner hereinafter provided.

Intoxicating liquors.

Cigarettes.

SECTION 6. For the purpose of this act, the words "dependent child" shall mean any child under seventeen years of age who is dependent upon the public for support; or who is destitute, homeless or abandoned; or who has not proper parental care or guardianship; or who begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable persons; or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship. Any child within the provisions of this act whose parents or guardian permits it to use or become addicted to the use of tobacco, or intoxicating liquors as a beverage and not for medicinal purposes, or whose parents or guardian rears, keeps or permits it in or about any saloon or place where intoxicating liquors are sold, or any gambling house or place where gambling is practiced or carried on, or any house of ill fame or ill repute, shall be deemed to be without proper parental care or guardianship. The word "child" or "children" may mean one or more children and shall include males and females, and the word "parent" may mean one or both parents when consistent with the intent of this act; the word minor shall mean child.

"Dependent child" defined.

Use of tobacco.

SECTION 7. Any person having knowledge of a minor under the age of seventeen years who appears to be either a delinquent, neglected or dependent child, may file with the clerk of the court of the judge exercising the jurisdiction, an affidavit, setting forth the facts, which may be upon information and belief.

Affidavit.

SECTION 8. Upon filing of the affidavit, a citation shall issue, requiring such minor to appear, and the person having custody or control of the same or with whom the same may be, to appear with the minor, at a time and place to be stated in the citation; or the judge may in the first in-

Citation.

Warrant.

stance issue a warrant for the arrest of such minor or for any person named in such affidavit and charged therein with having abandoned, or charged therein with neglect of or being responsible for or having encouraged, aided or abetted the delinquency or dependency of such child. Any parent, guardian, or other person not cited may be subpœnaed to appear and testify at the hearing; and any one cited or subpœnaed to appear who fails to do so may be punished as in other cases in the common pleas court for contempt of court, and whenever any person charged with violating any provision of this act, shall have fled from justice in this state, the said judge shall have all the powers of a magistrate under section 95 of the Revised Statutes.

Contempt of court.

Special room.

SECTION 9. The county commissioners shall provide a special room not used for the trial of criminal cases, when avoidable, for the hearing of juvenile cases.

Trial.

SECTION 10. On the day named in the citation or upon the return of the warrant of arrest, or as soon thereafter as may be, the judge shall proceed, in a summary manner to hear and dispose of the case and the person cited to appear or arrested may be punished in the manner hereinafter in this act provided.

Jury trial.

SECTION 11. Any person charged with being responsible for or with causing, aiding, abetting or contributing to the delinquency, dependency or neglect of a child arrested or cited to appear before such court may, at any time before hearing, demand a trial by jury, or the judge upon his own motion may call a jury. The statutes relating to the drawing and impaneling of jurors in criminal cases in the court of common pleas (other than in capital cases) shall in all respects apply to such jury trial; provided, however, that when a jury trial shall be demanded, or when ordered by him, the judge shall issue a precipe to the clerk of the common pleas court, who shall thereupon proceed to draw from the jury wheel, as in other criminal cases, and issue the venire to the sheriff of the county for the persons whose names are so drawn, who shall serve and return the same as in other cases. The compensation of the jurors,

Costs.

and the costs of the clerk and sheriff shall be taxed and paid as in other criminal cases in the common pleas court.

Judge may commit child to care of probation officer, etc.

SECTION 12. In case of a delinquent child the judge may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow such child to remain at its own home, subject to the visitation of the probation officer; and subject to be returned to the judge for further or other proceedings whenever such action may appear to be necessary; or the judge may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the judge, or it may authorize the child to be boarded in some suitable family home in case provision be made by voluntary contribution or otherwise for the payment of the board of such child, until suit-

able provision be made for the child in a home without such payment; or the judge may commit such child, if a boy to a training school for boys, or, if a girl, to an industrial school for girls, or the judge may commit the child to any institution within the county that may care for delinquent children, or be provided by a city or county suitable for the care of such children, or to the boys' industrial school at Lancaster, or where it appears upon the hearing that such delinquent child is sixteen years of age, or over, and has committed a felony, to the Ohio state reformatory at Mansfield; or to any state institution which may be established for the care of delinquent boys, or, if a girl over the age of nine years, to the girls' industrial home at Delaware, or to any state institution which may be established for the care of delinquent girls. In no case shall a child, committed to such institution under this act, be confined under such commitment after attaining the age of twenty-one years. A child committed to such institution shall be subject to the control of the board of trustees thereof, and such board shall have power to parole such child on such conditions as it may prescribe, and, on the recommendation of the board of trustees, the superintendent shall have power to discharge such child from custody; or the judge may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

Boys' Industrial School.

Girls' Industrial School.

Parole.

SECTION 13. When any minor under the age of seventeen years shall be found to be dependent or neglected, within the meaning of this act, the judge may make an order committing such child to the care of some suitable state or county institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, which association embraces within its objects the purposes of caring for or obtaining homes for dependent, neglected or delinquent children or any of them, and which association shall have been accredited as hereinafter provided. The judge may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

Order of the judge.

SECTION 14. Whoever aids, abets, induces, causes, encourages or contributes toward the delinquency of a minor under the age of seventeen years, as defined in this act, shall be fined not less than ten dollars nor more than one thousand dollars or imprisoned not less than ten days nor more than one year, or both; and every day's such contribution to such delinquency shall be deemed a separate offense and the judge may, if in his judgment it be for the best interest of any delinquent minor under the age of seventeen years, impose a fine upon such delinquent of not exceeding

Aiding or abetting delinquency, penalty.

ten dollars, and the judge may order such person to stand committed until fine and costs are paid.

Failure or neglect to support, penalty.

SECTION 15. Whoever is charged by law with the care, support, maintenance or education of any minor under the age of seventeen years, and being able to support or contribute toward the support or education of such minor, fails, neglects, or refuses so to do, or who abandons such minor shall be fined not less than ten dollars nor more than five hundred dollars, or imprisoned not less than ten days nor more than one year, or both, and such neglect, non-support or abandonment shall be deemed to have been committed in the county in which such minor may be at the time of such neglect, non-support or abandonment; and every day's such failure, neglect or refusal shall constitute a separate offense, and the judge may order that such person stand committed until all such fines and costs are paid.

Offense, where deemed committed.

Workhouse sentence, provisions in case of.

SECTION 16. When a person is convicted and sentenced under this act for the abandonment of or for the neglect of or for failure to maintain or support a minor, to imprisonment in a workhouse, the county from which said prisoner is so sentenced shall, out of the general revenue fund, pay forty cents for each day said prisoner is so confined, to the chief probation officer of said county, to be by him expended, under the direction of the judge, for the maintenance of the dependent minors of such prisoner, of which expenditure such officer shall make monthly reports to such judge; and it shall be the duty of the county commissioners of any such county to make the allowances herein provided for, which shall be paid by the county treasurer out of the county treasury upon the warrant of the county auditor in favor of such probation officer.

Commitment to county jail, etc.

SECTION 17. Pending final disposition of any case the judge may commit any person, except the minor under fourteen years of age, cited to appear or arrested, to the county jail until the case is disposed of, but such trial shall be commenced within four days of such commitment unless upon the request of the defendant. The judge may, pending final disposition, direct that the minor in question be left in the possession of the person having charge of such minor, or that he may be kept in some suitable place provided by the county or city authorities.

Citation, after hearing.

SECTION 18. If it appear upon the hearing that any person not cited to appear, has probably aided, induced, caused, encouraged, or contributed to the delinquency of a minor under the age of seventeen years, or that any person, charged by law, with the care, support, education and maintenance of any minor, has abandoned or has failed, or has refused, or has neglected, being able so to do, to support or sufficiently contribute toward the support, education and maintenance of such minor, the judge may order such person to be cited to appear at a subsequent day, or may issue a warrant to arrest such person as hereinbefore provided, and upon citation, warrant and hearing the same proceedings may be had as if the same were in the first instance.

SECTION 19. When any minor, under the age of seventeen years, is arrested, such child, instead of being taken before a justice of the peace or police judge, shall be taken directly before such juvenile judge; or, if the child is taken before a justice of the peace or judge of police court, it shall be the duty of such justice of the peace or such judge of the police court, to transfer the case to the judge exercising the jurisdiction provided for in this act, and the officers having such child in charge shall take the child before such judge, who shall proceed to hear and dispose of the case in the same manner as if the child had been brought before such judge in the first instance as herein provided.

Transfer of case to juvenile judge.

SECTION 20. The warrants, citations, subpœnaes and other writs of such judge may issue to a probation officer of any such court or to the sheriff of any county, and the provisions of section 7287 of the Revised Statutes shall apply in so far as the same are applicable.

Writs, to whom issued.

SECTION 21. Whenever a warrant is issued to any such officer, the expense incurred in pursuing and bringing the person named therein before such judge shall be paid by the county in the manner prescribed by section 19 of the act of March 22, 1906 (98 Ohio L., 89), entitled "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerk of the court of common pleas, and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants."

Expense, how paid.

SECTION 22. The judge designated to exercise said jurisdiction may appoint one or more discreet persons of good moral character, one or more of whom may be women, to serve as probation officers, during the pleasure of the judge. One of said officers shall be known as chief probation officer and there may be first, second and third assistants; said chief probation officer and the first, second and third assistant shall receive such compensation as the judge appointing them may designate at the time of the appointment, but the compensation of the chief probation officer shall not exceed twenty-five hundred dollars per annum, and that of the first assistant shall not exceed twelve hundred dollars per annum, and of the second and third assistants shall not exceed one thousand dollars per annum, to each, payable monthly. Said judge may appoint other probation officers, with or without compensation, but the entire compensation of all probation officers in any county shall not exceed the sum of forty dollars for each full thousand inhabitants of said county at the last federal census, but in no case shall the entire compensation of all probation officers in any county exceed the sum of seven thousand five hundred dollars. The compensation of the probation officers shall be paid by the county treasurer out of the county treasury upon the warrant of the county auditor, which shall be issued upon itemized vouchers sworn to by said probation officers and certified to by the judge of the juvenile court.

Probation officers, appointment of.

Compensation.

Maximum compensation in any county.

Duties of probation officers.

SECTION 23. When any complaint is made or filed against any minor, under this act, it shall be the duty of the probation officer to proceed to inquire into and make full examination and investigation into the facts and circumstances surrounding the alleged delinquency, neglect, or dependency; the parentage and surroundings of said minor, his exact age, habits, school record, and every fact that will tend to throw light upon his life and character; to be present in court to represent the interests of the child when the case is heard; to furnish to the judge such information and assistance as he may require, and to take charge of any child before and after the trial as the judge may direct; to serve the warrants and other process of the court within or without the county, and in that respect they are hereby clothed with the powers and authority of sheriffs; make arrests without warrant upon reasonable information or upon view of the violation of any of the provisions of this act and detain the person so arrested pending the issuance of a warrant, and perform such other duties, incident to their offices, as the judge may direct; and all sheriffs, deputy sheriffs, constables, marshals and police officers are required to render assistance to probation officers, in the performance of their duties, when requested so to do.

Powers.

Prosecuting attorney, duty of.

SECTION 24. It shall be the duty of the prosecuting attorney of the county, on request of the judge exercising the jurisdiction provided for in this act, to prosecute all persons charged with violating any of the provisions of this act.

Bail.

SECTION 25. The provisions of the Revised Statutes relating to bail in criminal cases in the common pleas court shall apply to persons committed or held under the provisions of this act in so far as the same may be applicable.

Suspension of sentence.

SECTION 26. In every case of conviction under this act and where imprisonment is imposed as part of the punishment, the judge may suspend such sentence upon such terms as he may impose.

Bond declared forfeited.

SECTION 27. Whenever, as one of the conditions of such suspension of sentence, bond is required and given, upon the failure of any such person giving such bond to comply with the terms and conditions thereof imposed by the judge, such bond may be declared forfeited and the said suspension terminated by the judge, and the original sentence executed as though it had never been suspended, and the term of any jail or workhouse sentence imposed in such case shall commence from the date of imprisonment of any such person after such forfeiture and termination of suspension. There shall, however, be deducted from any such period of imprisonment any part of such sentence which may theretofore have been served.

Error proceedings.

SECTION 28. The provisions of law relating to error proceedings from the court of common pleas, including the allowance and signing of bills of exceptions shall apply to prosecutions of persons over seventeen years of age under

this act, and from judgment of such judge in such prosecutions error may be prosecuted to the circuit court of the county under laws governing prosecutions of proceedings in error in other criminal cases to such circuit court.

Findings, not lawful evidence.

SECTION 29. The disposition of or any order, judgment, or finding against any child under this act, or any evidence given in any proceeding under this act, shall not in any civil, criminal or other cause or proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act.

Detention Home, how established and conducted.

SECTION 30. The county commissioners may, upon the advice and recommendation of the judge exercising the jurisdiction provided for in this act, provide by purchase or lease, a place to be known as a "detention home" within a convenient distance of the court house, not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent or neglected minors under the age of seventeen years may be detained until final disposition, which place shall be maintained by the county as in other like cases; and in counties having a population in excess of forty thousand, such judge may appoint a superintendent and matron who shall have charge of such home, and of the delinquent, dependent and neglected minors detained therein. Such superintendent and matron shall be suitable and discreet persons, qualified as teachers of children. Such home shall be furnished in a comfortable manner as nearly as may be as a family home. The compensation of such superintendent and matron shall be fixed by the county commissioners. Such compensation and the expense of maintaining such home shall be paid out of the county treasury upon the warrant of the county auditor, which shall be issued upon the itemized voucher, sworn to by the superintendent and certified by the judge. When such detention home is provided for by the county commissioners, and upon such home being recommended by the judge the commissioners shall enter an order on their journal transferring to the proper fund from any other fund or funds of the county, in their discretion such sums as may be necessary to purchase or lease said home and properly furnish and conduct the same and pay the compensation of the superintendent and matron. Said commissioners shall likewise upon the appointment of probation officers as provided in this act transfer to the proper fund from any other fund or funds of the county, in their discretion, such sums as may be necessary to pay such probation officers as provided for herein, such transfers to be made upon the authority of this act alone. At the next tax levying period provisions shall be made for the expenses of the court as herein provided.

Journal entry.

Tax levy.

Child becomes a ward, when.

SECTION 31. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to

the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and shall be made party to any proceedings for the legal adoption of the child, and may appear in any court where such proceedings are pending, and assent to such adoption. And such assent shall be sufficient to authorize the judge to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

Agreement with incorporated institutions valid.

SECTION 32. It shall be lawful for the parents, parent, guardian or other person or persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any law of this state, which shall have been approved as herein provided, for the purpose of aiding, caring for or placing in homes such children, or for the surrender of such child to such association or institution, to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, to appear in any proceeding for the legal adoption of such child, and consent to its adoption, and the order of the judge made upon such consent shall be binding upon the child and its parents, guardian or other person, as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

Agent of certain institutions, duties of.

SECTION 33. It shall be the duty of the board of trustees of the boys' industrial school at Lancaster, and of the girls' industrial home at Delaware, and the board of managers of any other institution to which juvenile delinquents may be committed to maintain an agent of such institution, whose duty it shall be to examine the home of children paroled from such institution for the purpose of ascertaining and reporting to said board of trustees whether they are suitable homes; to assist children paroled or discharged from such institution in finding suitable employment, and to maintain a friendly supervision over paroled inmates during the continuance of their parole; such agents shall hold office subject to the pleasure of the board making the appointment and shall receive such compensation as such board may determine out of any funds appropriated for such institution applicable thereto.

Compensation of agent.

Board of state charities, duties of.

SECTION 34. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the board of state charities as are the public charitable institutions of this state, and it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provision of this act, and every such association shall annually, at such time as said board shall direct make report thereto, showing its condition, manage-

ment and competency adequately to care for such children as are, or may be committed to it, and such other facts as said board may require, and when said board is satisfied as to the care given such children, it shall issue to the association a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said board, and no child shall be committed to any association which shall not have received such certificate within fifteen months next preceding the commitment. The judge may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge may deem proper and necessary; and such judge may at any time require from any association or institution reports, information or statements concerning any child or children committed to it by such judge under the provisions of this act.

Certificate of board of state charities.

SECTION 35. No association whose objects may embrace the care of dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first have been submitted to the board of state charities, and the secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined the said articles of incorporation, and, in his judgment, the incorporators are reputable and respectable persons, that the proposed work is needed and the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the board of state charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the secretary of the board of state charities that he has examined the said amendment, that the association in question is, in his judgment, performing in good faith the work undertaken by it, and that the said amendment is, in his judgment, a proper one, and for the public good.

Articles of incorporation, to be approved by board of state charities.

Amendments.

SECTION 36. No association, which is incorporated under the laws of any other state, shall place any child in any family home within the boundaries of the state of Ohio, either with or without indenture or for adoption, unless the said association shall have furnished the state board of charities with such guaranty as it may require that no child having any contagious disease, or any deformity, or of feeble mind or of vicious character, shall be brought into the state of Ohio by such association or its agents, and that said association will promptly receive and remove from the state any child brought into the state of Ohio by its agents, which shall become a public charge within the period of five years, after being brought into this state. Any person

Associations of other states regulated.

who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association incorporated in any other state which shall not have complied with the requirements of this act, shall be imprisoned in the county jail not more than thirty days, or fined not less than five dollars or more than one hundred dollars, or both, in the discretion of the judge.

Penalty.

SECTION 37. The judge in committing children shall place them, so far as practicable, in the care and custody of some individual holding the same religious belief as said child or its parents, or with some association which is controlled by persons of like religious faith as such child or its parents.

Religious belief.

SECTION 38. Nothing in this act shall be construed to repeal any portion of the acts relating to the boys' industrial school at Lancaster or the girls' industrial home at Delaware.

SECTION 39. When any information or complaint shall be filed against any delinquent child under the provisions of this act, charging such delinquent child with a felony, the judge may order such delinquent child to enter into a recognizance, with good and sufficient surety, in such amount as he may deem reasonable, for his appearance before the court of common pleas at the next term of said court; and the same proceedings shall be had thereafter upon such complaint as are now authorized by law for the indictment, trial, judgment and sentence of any other person charged with a felony.

Felony.

SECTION 40. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That proper guardianship may be provided for in order that the child may be educated and cared for, as far as practicable in such manner as best subserves its moral and physical welfare, and as far as practicable in proper cases that the parent, parents or guardians of such child may be compelled to perform their moral and legal duty in the interest of the child. And all fees and costs in all cases coming within the provisions of this act, together with such sums as shall be necessary for the incidental expenses of such court and its officers, and together with the costs of transportation of children to places to which they may be committed, shall be paid out of the county treasury of the county upon itemized vouchers and certified to by the judge of the court.

Act to be liberally construed.

Fees and costs, how paid.

SECTION 41. That the act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," passed April 25, 1904, approved May 5, 1904 (97 Ohio L., 561), and the act amendatory and supplemental thereto, passed April 2, 1906, entitled, "An act to amend sections 1, 6, 7 and 10 of an act entitled 'An act to regulate the treatment and control of dependent, neglected and delinquent children,'" passed April 25, 1904, and to supplement said act with supplemental sections 23, 24, 25,

26, 27, 28, 29 and 30 (98 Ohio L., 314), be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.
106G.

[House Bill No. 723.]

AN ACT

To amend section 3922 of the Revised Statutes of Ohio, in relation to the suspension of schools in subdistricts, and conveyance of pupils to other districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3922 of the Revised Statutes of Ohio, in relation to the suspension of schools in subdistricts, and conveyance of pupils to other districts, be amended so as to read as follows:

Sec. 3922. The board of education of any township school district is authorized to suspend the schools in any or all subdistricts in the township district, but upon such suspension the board must provide for the conveyance of the pupils residing in such subdistrict or subdistricts to a public school in said township district, or to a public school in another district, the cost of such conveyance to be paid out of the funds of the township school district; or the board may abolish all the subdistricts providing conveyance is furnished to one or more central schools, the expense of such conveyance to be paid out of the funds of the district, but no sub-district school where the average daily attendance is twelve or more, shall be so suspended or abolished under the provisions of this section, after a vote has been taken under the provisions of section 3927-2 of the Revised Statutes, when at said election a majority of the votes cast thereon were against the proposition of centralization, or when a petition has been filed thereunder and has not yet been voted upon at an election.

Suspension of schools in subdistricts; conveyance of pupils.

Average daily attendance.

No township schools shall be centralized under this section by the board of education of the township until after sixty days' notice has been given by the board, said notices to be posted in a conspicuous place in each sub-district of the township. When transportation of pupils is provided for, the conveyance must pass within at least the distance of one-half of a mile from the respective residence of all pupils, except when such residences are situated more than one-

Centralization, 60 days' notice required.

half of a mile from the public road; but transportation for pupils living less than one and one-half miles, by the most direct public highway, from the school house shall be optional with the board of education.

Conveyance, optional with board, when.

SECTION 2. That original section 3922 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.
107G.

[House Bill No. 785.]

AN ACT

Authorizing the county commissioners to purchase machinery and tools for the construction and repair of roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners in each and every county in the state, whenever they deem it to the public interest to do so, are hereby authorized and empowered to purchase machinery or tools adapted for use in the construction or repair of roads and to employ the necessary labor to operate the same and to pay for the same out of any funds on hand applicable to the construction or repair of roads in their county, payment to be made from the county treasury upon a warrant issued by the county auditor upon the order of the county commissioners.

Purchase of machinery or tools by commissioners.

SECTION 2. All such machinery and tools shall be available for use in the construction, improvement or repair of any county or township road within the county as the county commissioners shall from time to time order and direct.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.
108G.

[House Bill No. 795.]

AN ACT

To amend section 872 and section 873 of the Revised Statutes, and relating to the issuing of bonds and the levying of a tax to pay said bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 872 and 873 of the Revised Statutes be amended so as to read as follows:

Bonds issued to refund outstanding bonds.

Sec. 872. The bonds so issued may be used to refund any bonds outstanding, which were issued for the purpose of purchasing the lands or erecting the buildings so acquired by the commissioners, and shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached, in sums not less than fifty nor more than one thousand dollars each, payable to bearer at the county treasury, with interest, as aforesaid, at such times, not exceeding thirty years after date, as the commissioners prescribe, and such bonds shall specify distinctly the object for which they were issued.

Sec. 873. The commissioners shall, annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, and at least one-thirtieth of the principal; but where such indebtedness is created by the purchase of lands, the erection, repair, alteration, or improvement of a building or buildings for an infirmary, the property of any city which supports the poor thereof at its own expense exclusively, shall not be taxed for such purpose.

Exception.

SECTION 2. That sections 872 and 873 of the Revised Statutes, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.

109G.

[House Bill No. 830.]

AN ACT

To supplement section 4042 of the Revised Statutes, authorizing boards of education of districts having depositories for school moneys to dispense with a treasurer of such funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4042 of the Revised Statutes be supplemented as follows:

Sec. 4042a. When a depository has been provided for the school moneys of any district as authorized by section 3968 of the Revised Statutes of Ohio, the board of education of such district may, by resolution duly adopted by the vote of a majority of its members, dispense with a treasurer of the school moneys belonging to such school district; and in such district the clerk of the board of education thereof shall perform all the services, and discharge all the duties and be subject to all the obligations that are required of the treasurer of such school district by the statutes of Ohio. Whenever such treasurer is dispensed with as herein provided, then all the duties and obligations required by the statutes of Ohio of the county auditor, county treasurer, or other officer or person, relating to the school moneys of such district, shall be complied with by dealing with the clerk of the board of education of such district. Such clerk before entering upon such duties, shall give an additional bond equal in amount and in the same manner as is prescribed by law for the treasurer of such school district.

Treasurer of school moneys dispensed with.

In any such district, should the depository for any reason cease to act as custodian of the school moneys, then such money shall be placed in the custody of the treasurer of the city, village or township in which such school district is located, or of the special school district; upon such treasurer, as treasurer ex-officio of such school funds, or such treasurer of such special school district, giving bond as required by law to the approval of the board of education such moneys to be held and disbursed by said treasurer in all respects as now provided by law until such time as another depository is provided for such school moneys, when the same shall be by said treasurer placed in such depository, and the duties and obligations of such treasurer relating to said moneys shall then cease.

Provisions, when depository ceases to act.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.

110G.

[House Bill No. 1000.]

AN ACT

To amend sections 10 and 12 of the Municipal Code of 1902, relative to the appropriation of real estate.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 10 and 12 of the Municipal Code of 1902 be amended so as to read as follows:

Sec. 10. All municipal corporations shall have power to appropriate, enter upon and hold, real estate within their corporate limits for the following purposes:

1. For opening, widening, straightening, changing the grade of and extending streets and all other public places, and for this purpose the corporation may appropriate the right of way across railway tracks and lands held by railway companies where such appropriation will not unnecessarily interfere with the reasonable use of the property so crossed by such improvement; and for obtaining material for the improvement of streets and other public places. **Extending streets, etc.**

2. For parks, park entrances, boulevards, market places and children's playgrounds. **Playgrounds.**

3. For public halls and offices, and for all buildings and structures required for the use of any department.

4. For prisons, workhouses, houses of refuge and correction, and farm schools.

5. For hospitals, pesthouses, reformatories, crematories and cemeteries.

6. For levees, wharves and landings.

7. For bridges, aqueducts, viaducts and approaches thereto.

8. For libraries, university sites and grounds for the same.

9. For constructing, opening, excavating, improving or extending any canal, or water course, located in whole or in part within the limits of the corporation, or adjacent and contiguous thereto, and which is not owned in whole or in part by the state, or by a company or individual authorized by law to make such improvements. **Canal, etc.**

10. For sewers, drains, ditches, public urinals, bathhouses, water-closets and sewage and garbage disposal plants and farms.

11. For water works, for reservoirs to provide for a supply of water, for natural and artificial gas, electric lighting, heating and power plants, and for supplying the product thereof.

12. For establishing esplanades, boulevards, park ways, park grounds, and public reservations in, around and leading to public buildings and for the purpose of reselling such land with reservations in the deeds of such resale as to the future use of said lands so as to protect public buildings and their environs and to preserve the view, appear- **Boulevards, etc.**

ance, light, air and usefulness of public grounds occupied by public buildings and esplanades and park ways leading thereto.

Procedure.

Sec. 12. Whenever it is deemed necessary to appropriate property, council shall pass a resolution, declaring such intent, defining the purpose of the appropriation, and setting forth a pertinent description of the land, and the estate or interest therein desired to be appropriated; and for water works purposes and for the purpose of creating reservoirs to provide for a supply of water the council may appropriate such property as it may determine to be necessary; and immediately upon the passage of such resolution, declaring such intent, for which but one reading shall be necessary, the mayor shall cause written notice thereof to be given to the owner, person in possession thereof, or having an interest of record in, every piece of property sought to be appropriated, or to his authorized agent, and such notice shall be served by a person designated for the purpose, and return made in the manner provided by law for the service and return of summons in civil actions, and in case said owner, person, or their agents can not be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the corporation, and council may thereupon pass an ordinance by the votes of two-thirds of all members elected thereto, directing said appropriation to proceed.

SECTION 2. Said sections 10 and 12 are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.

111G.

[House Bill No. 1013.]

AN ACT

To amend section 7 of an act entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," passed March 22, 1906, relating to the salaries of county officials.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7 of an act entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," passed March 22, 1906, be so amended as to read as follows:

Sec. 7. As soon after the passage of this act as the aggregate compensation of the deputies, assistants, bookkeepers, clerks and employes of the various officers is fixed by the commissioners as provided in section 3, and on the first Monday of April, July, October and January, whenever necessary, during three years after said original act took effect, but not thereafter, the said commissioners shall enter an order on their journal transferring to the county officers' fee funds from any other fund or funds of the county in their discretion, such sums as may be necessary to make good any deficiencies in said funds, found by them likely to arise during the next ensuing quarter, in consequence of the payment of the respective officers, deputies, assistants, bookkeepers, clerks, or other employes during such period, from the amounts then in or estimated to come into said funds for said period, derived from said respective offices.

Deficiencies, how made good.

But nothing herein shall authorize any such transfer to be made for the payment of the county recorder or any person appointed or employed by him.

Recorder, excepted.

At the end of any quarter as fixed herein, the board of county commissioners shall transfer from the county officers' fee funds any amount therein, derived from any of the aforesaid offices, in excess of what is considered necessary to pay the salary and compensation of such respective officer and his deputies, assistants, bookkeepers, clerks or employes, for the next ensuing quarter; and in case any transfer of moneys shall have been theretofore made to said fee funds, the funds from which they were taken shall be fully reimbursed, and thereafter, or where no such previous transfer has been made, such funds shall be taken from the said fee funds and placed to the credit of the general fund of the county. Such transfers may be made upon the authority of this act alone, any law to the contrary notwithstanding; and from the action of the commissioners thereon an appeal may be taken to the common pleas court by a taxpayer of the county, which shall be heard and determined by said court or a judge thereof within twenty (20) days after being perfected.

Quarterly transfer.

Appeal.

SECTION 2. That said original section 7 of an act entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants," passed March 22, 1906, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.

112G.

[House Bill No. 1103.]

AN ACT

To provide for places of detention for alleged insane persons, and to provide for the commitment of such persons to such places, and for the care, control and management of such places and the persons committed thereto.

Be it enacted by the General Assembly of the State of Ohio:

Detention hospital.

SECTION 1. That upon the request of the probate judge of any county, the county commissioners of the county may establish a place to be known as the detention hospital for alleged insane persons. Such place shall consist of a hospital or ward, or other suitable place available for this purpose which shall be in close proximity to the probate court, and which place shall be under the charge, supervision and control of a superintendent, who shall be a registered physician, appointed by the probate judge, and such other assistants as may be required, who shall be appointed by the superintendent with the approval of the probate judge; provided, however, that in counties wherein a municipality owns and controls a hospital the county commissioners may contract with the authorities having charge and control of such municipal hospital for the care of such alleged insane persons.

Power of probate judge.

SECTION 2. The probate judge shall have power to commit to such detention hospital all persons brought before him, alleged to be insane, whose cases are doubtful or whose insanity is likely to be temporary, and also all insane persons who can not be committed to or received into the state asylum. Any person so committed shall be detained in said hospital until such time as it shall be determined by the superintendent and the probate judge that the person so committed is cured, or is a fit subject for the state asylum. Whenever it is so determined that any person committed to said hospital is cured, he or she shall be discharged, and whenever it is so determined that any person committed to said hospital is a fit subject for the state asylum, application shall be made for his or her admission to such asylum as in other cases.

Discharged, when.

SECTION 3. The person or persons in charge of such detention hospital shall be, and they are hereby deemed to be, the guardians of the persons committed to such hospital for the purpose of retaining them therein, but all persons so committed shall have the privilege of freely writing to and corresponding with their relatives, friends, physicians and legal advisers, without censorship, and they may also receive visits from them, except when it is deemed inadvisable by

the superintendent. A physician representing the family, or patient, shall however be admitted at all times. Family physician.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.
113G.

[House Bill No. 1160.]

AN ACT

To regulate the manufacture, handling and storage of explosives.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Each person, partnership or corporation within the state of Ohio engaged or engaging in manufacturing, handling or storing gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, masurite, fulminates, nitro-glycerine, any nitro explosive compound, any chlorate of potash explosive compound, any picric acid explosive compound, or any other explosive substance, shall file with the chief inspector of workshops and factories, upon blanks furnished by him upon application, a complete statement of the location of such factory, storehouse or magazine owned or controlled by such person, partnership or corporation, together with the kind and character of the explosive substance or substances manufactured, handled or stored and intended to be manufactured, handled or stored thereat, the quantity stored or kept on hand and the quantity intended to be stored or kept on hand, the number of persons employed at each factory, storehouse or magazine and the number of persons intended to be employed thereat, and the distance which such factory, storehouse or magazine is located or will be located from the nearest factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway. Handling explosives regulated. Statement to be filed with chief inspector of workshops and factories.

SECTION 2. Such statement, when filed, shall be submitted by the chief inspector of workshops and factories, for examination, correction and investigation, to the district inspector of explosives, who shall make a personal examination of each such factory, storehouse or magazine, and if such site, factory, storehouse or magazine is found to be located at a safe distance from the nearest factory, workshop, mercantile or other establishment, occupied Statement, submitted to district inspector of explosives.

dwelling, church, schoolhouse, building in which people are accustomed to assemble, railroad or public highway, and to be so planned and managed as to insure as great safety as is consistent with the nature of the business, and if the facts required in such statement are fully set out therein, and found to be true, then the chief inspector of workshops and factories shall grant a certificate approving the plans and location of such factory, storehouse or magazine as set forth in such statement.

Certificate of chief inspector.

SECTION 3. Such certificate shall remain good and in force from the date of issue, except when otherwise ordered for cause by the chief inspector of workshops and factories, and such certificate will become void and a new statement and certificate shall be required of such person, partnership or corporation whenever any change is made in the manufacturing, handling or storing of such explosives as to the location of any factory, storehouse or magazine, or as to the kind or character of explosives manufactured, handled or stored, or whenever the number of men employed or the amount of explosives manufactured, handled or stored becomes greater than the number or amount designated in the last statement made to the chief inspector of workshops and factories.

New certificate required, when.

SECTION 4. No person, partnership or corporation shall manufacture gunpowder, blasting powder, dynamite, nyalite, jovite, dynalite, fulminates, nitro-glycerine, nitro explosive compounds, chlorate of potash explosive compounds, picric acid explosive compounds, or any other explosive substance, or store a quantity of the same exceeding one hundred (100) pounds, within the limits of any municipal corporation, or within sixty (60) rods of any factory, workshop, mercantile or other establishment, occupied dwelling, church, schoolhouse, or building in which people are accustomed to assemble, or manufacture the same within ten (10) rods of any adjoining property not owned or leased by such person, partnership or corporation; provided that the distance at which such explosives may be stored with relation to the factories, workshops and other buildings owned and used solely for the purpose of manufacturing such explosives, as a part of a manufacturing plant shall not be governed by the above provision as to distance but shall be determined and regulated by the chief inspector of workshops and factories upon inspection of the district inspector of explosives. No person, partnership or corporation shall manufacture such explosives or store exceeding one hundred pounds of the same without giving bond in the sum of five thousand dollars ($5,000.00) in each county in which such explosives are manufactured or stored, with good and sufficient surety, to the county commissioners of such county with such surety or sureties as shall be approved by the judge of the probate or common pleas court of such county, conditioned for the payment of all damages that may be caused to persons or property by reason of

Manufacturing and storing regulated.

Bond required.

any explosion of any of said substances, or without filing with the chief inspector of workshops and factories a sworn statement that such bond has been approved and filed.

Transportation regulated.

SECTION 5. No person, partnership or corporation shall transport or carry any of such explosives in any vehicle, railroad car, water craft or other conveyance upon which any passenger for hire is at the same time being conveyed, or in any vehicle, railroad car, water craft or other conveyance, upon two sides and the rear of which there shall not be printed or placarded in plain and distinct letters the words "EXPLOSIVES—DANGEROUS," or carry any of such explosives in any box, keg, can or package upon which is not clearly written or printed the words "EXPLOSIVES—DANGEROUS," together with the name of the explosive substance contained therein.

Placard.

SECTION 6. Whoever, either as principal, or servant, agent or officer of such person, partnership or corporation, violates any provisions of this act, or manufactures, handles or stores any of such explosives at any time without having first filed such bond and statement, or without having at such time a valid certificate from the chief inspector of workshops and factories, obtained as provided in section 1 of this act, shall be fined not less than one hundred dollars, nor more than one thousand dollars.

Penalty.

SECTION 7. Nothing in this act shall be held to apply to persons, partnerships or corporations who store not to exceed twenty-five (25) pounds of gunpowder or blasting powder in any one place at one time, nor to the manufacturing or storing of drugs.

Exceptions.

SECTION 8. It shall be the duty of the chief inspector of workshops and factories and the district inspector of explosives to enforce the provisions of this act.

SECTION 9. That sections 1, 2 and 3 of an act entitled, "An act to regulate the manufacture, sale and use of dynamite within the state of Ohio," passed April 30, 1885, and section 4 of the same act, as amended March 17, 1892, sections 1 and 2 of an act entitled, "An act to regulate the manufacture, handling and storage of high explosives," passed April 22, 1904, and section 6953 of the Revised Statutes, as amended April 16, 1900, are hereby repealed.

SECTION 10. This act shall take effect and be in force on and after August 1, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.

114G.

[House Bill No. 1329.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of the common schools, for the fiscal year ending November 15, 1908, the sum of two million, four hundred and thirty-five thousand dollars ($2,435,000.00), to be distributed for that purpose at the rate of one dollar and ninety-five cents ($1.95), for each enumerated youth; and paid in the manner provided by section 3956 of the Revised Statutes.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.
115G.

[House Bill No. 720.]

AN ACT

To regulate the conduct of primary elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary election provided for in this act, to nominate candidates to be voted for at the ensuing general election.

2. The words "board of election," the board of deputy state supervisors of election, or board of deputy state supervisors and inspectors of elections, as the case may be.

3. The words "November election," the election held on the first Tuesday after the first Monday in November, in any year.

4. The words "general election," the November election in the years when state and county officers are to be elected.

5. The word "precinct," a district established by law within which all qualified electors vote at one polling place.

6. The word "district," any election district, circuit

or other subdivision of the state comprising more than one county or part of county within which an officer or officers are to be elected.

Nominations for elective offices, etc., regulated.

SECTION 2. Candidates for members of congress, and all other public elective offices, delegates provided for herein, and members of the controlling committees of all voluntary political parties or associations, which at the next preceding general election polled in the state or any district, county or subdivision thereof, or municipality at least ten per centum of the entire vote cast therein shall be nominated or selected in such state, district, subdivision or municipality, in accordance with the provisions of this act, and persons not so nominated shall not be considered candidates and their names shall not be printed on the official ballots. Delegates, and party controlling committees whose members have not been so selected, shall not be recognized by any board or officer. But nothing in this act shall be construed to repeal the provisions of any act relating to the nomination of candidates for office by nomination papers, and no elector shall be disqualified from signing a petition for such nomination of candidates for office by nomination papers, because such elector voted at a primary provided for herein to nominate candidates to be voted for at the same election or because such elector signed nomination papers for such primary.

Party controlling committees.

Nomination papers.

SECTION 3. The provisions of this act shall not be construed to extend to delegates selected under and in pursuance of the call of the national committee of any political party.

State and district offices.

SECTION 4. Candidates for state offices and district offices, where the district contains more than one county, shall be nominated by delegate conventions, the delegates to which have been chosen at the primary elections herein provided for, or at county conventions composed of delegates chosen at primaries as herein provided, as may be determined by the state or district committee respectively of the party, by a majority vote thereof, and certified by it to the proper county central committees at least forty days prior to the time fixed for holding such primaries.

Representation, how determined.

SECTION 5. State and district committees respectively shall by resolution, determine the representation in all conventions held to nominate candidates for office, and shall apportion the delegates throughout the state or district in proportion to the party vote for governor cast in the several counties, at the last preceding general election. Delegates to a state convention shall be apportioned to each county on the basis of one delegate for each 500 such votes and fraction of 250 or more so cast. Not less than forty days before the day fixed for holding the primary, such state or district committee shall transmit a copy of its resolution of apportionment to the central committee of the proper party and to the board of elections of each county in the state or district, as the case may be.

State delegates, apportionment of.

County convention.

SECTION 6. When delegates are to be selected by a county convention, it shall be the duty of the county central committee, at least thirty days before the primary, by resolution passed by a majority vote, to fix and apportion the representation thereto throughout the county. And the said county committee shall provide that delegates to county conventions shall be apportioned to and elected by election districts in such county; and in case delegates to state or district conventions are to be chosen by direct vote, that they be apportioned to such election districts and elected in the same manner. All such election districts shall consist of a precinct, township or ward, if such precinct, township or ward has a sufficient number of votes to entitle it to a representative. If, however, the political party represented by such committee did not poll a sufficient number of votes in any precinct, township or ward at the next preceding general election to entitle it to one or more delegates under such apportionment, then such committee shall annex such precinct, township or ward to such adjacent precincts, townships or wards the combined votes of which when so annexed under the basis of representation fixed by such committee will entitle the district so formed to elect one or more delegates to such convention. If after apportioning the delegates to all the election districts as herein provided, the full number to which a county is entitled is not provided for, the remaining number shall be required by the committee to be elected at large by the proper electors of the county. Delegates to county conventions shall meet in convention at such time and place, but not later than twenty days after the primary election, as the county committee, at the time of fixing the apportionment of delegates thereto shall designate.

Election district, defined.

Annexation to adjacent precincts.

Elected at large, when.

SECTION 7. When a state or district committee does not require that all delegates to a state or district convention shall be elected by direct vote, it shall be lawful for such committee to provide that the county central committee shall determine the method of choosing the delegates from such county, either by direct vote at the primary or at county conventions composed of delegates elected at the primary. Such determination shall be by resolution adopted by majority vote, not less than thirty days before the next primary.

County central committee to act, when.

SECTION 8. All members of county controlling committees shall be elected, and all candidates for offices to be elected in a county or sub-division thereof, or a municipal corporation, shall be nominated by direct vote, except as otherwise provided herein for judicial and legislative offices. Their names shall be placed upon the official ballot as provided in section 16 hereof. The candidate or candidates as the case may be, receiving the greatest number of votes shall be the nominee or nominees, whose names shall be printed on the official ballot at the succeeding election; and the person receiving the highest number of votes for com-

Direct vote.

mitteeman shall be the member of such controlling committee.

Controlling committees, designated.

SECTION 9. The controlling committees of all such voluntary political parties or organizations shall be a state central committee, consisting of one member from each congressional district in the state, to be chosen by the delegates to the state convention from the counties composing such congressional district; a district committee for each district, consisting of two members from each county or part of county in such district, to be chosen by the delegates to the district convention from such county; a county central committee, consisting of one member from each ward and township or of one member from each precinct in the county, as the outgoing committee may determine, to be chosen by direct vote at the primary held in the even numbered years, and the members chosen from a city shall constitute a city committee; provided that existing state, district, county and and city committees shall continue to act and be recognized as such, until their successors are chosen hereunder. And where a judicial sub-division or district or congressional district is included within a county, the members of the county central committee who are residents of such district shall also act as the judicial or congressional committee. Within fifteen days after their selection all such committees shall meet and organize by the election of a chairman and secretary, and may select an executive committee.

Even numbered years.

Time for organization.

Term of service.

SECTION 10. All party controlling committees, the selection of which is herein provided for, shall serve for two years and until their successors are selected. In case of vacancies caused by death, resignation or removal from the territory from which a committeeman was chosen, the committee of which he was a member shall fill the vacancy by majority vote.

Vacancy, how filled.

Primaries for county officers, when held.

SECTION 11. Primaries under the act to nominate candidates for county offices or to select delegates to nominate candidates for state or district offices, shall be held in each county at the usual polling places on the third Tuesday of May of even numbered years, and primaries held to nominate candidates for township and municipal offices and members of the school board shall be held in each county at the usual polling places on the first Tuesday after the first Monday in September of odd numbered years.

Primaries for township and municipal officers, when held.

Direct vote in certain counties.

SECTION 12. In counties wherein four or more members of the general assembly are to be elected, and in counties comprising a judicial sub-division or district wherein a common pleas judge or judges are to be elected, candidates for such offices shall be nominated by direct vote, unless the county controlling committee shall, by a majority vote, at least forty days before the day fixed herein for a primary, direct that candidates for any such offices be nominated by delegate convention the delegates to which shall be elected at the primary, in which case they shall be so nominated.

For congressional candidates, direct vote, where.

SECTION 13. Candidates for congress, where a single county or part of a county composes the congressional district, shall be nominated by direct vote as provided herein.

Election boards, duties of.

SECTION 14. At all such elections the polls shall be open between the hours of 5:30 A. M. and 5:30 P. M. Election boards shall, with respect to primary elections, have all the powers granted and perform all the duties imposed by the laws governing general elections, including furnishing materials and supplies, printing and distributing ballots, providing voting places, protecting electors, guarding the secrecy of the ballot, and making rules and regulations not inconsistent with law, for the guidance of election officers; and all statutory provisions relating to general elections, including the requirement that part of such election day shall be a legal holiday, shall, so far as applicable, apply to and govern primary elections.

Election of United States Senator, effect upon primary.

SECTION 15. At primary elections, where candidates may be chosen to a general assembly whose duty it shall be to elect a United States senator, the names of candidates for such office may be placed upon the official ballots, through petitions signed by one-half of one per cent. of the electors in the state of the party of which said candidate for senator is a member, as shown by the last general election. Such petition shall be filed at least forty days before such primary with the secretary of state, who shall thereupon certify such names to the board of elections of the several counties. Such boards of election shall canvass the votes and certify the result to the secretary of state, who shall certify said result to the general assembly.

Nomination papers.

SECTION 16. Nominations for places on the primary ballot shall be by nomination papers which shall be filed with the board of elections at least twenty days before the day for holding the primary election. Such nomination papers shall be signed by two per cent. of the party voters in the county, municipality, precinct, ward, or other political sub-division for which such nomination is to be made. The basis of percentage in each case shall be the vote of the party for the head of the ticket at the last preceding November election for the same office in such territory.

SECTION 17. The name of no candidate for office or for committeeman or delegate shall be printed upon an official ballot used at any primary unless at least twenty days prior to such primary nomination papers shall have been filed with the board of elections in his behalf in substantially the following form:

Form of nomination papers.

We, the undersigned, qualified electors of (the..... precinct of, the township of .....) or (the ..... ward of the city of .....), county of .....) and state of Ohio, and members of the ..... party, hereby nominate ....., who resides (at No. ..... on ..... Street of ..... city of .....) or (in the township of .....), in the county of.....

..... as a candidate for the office (or position) of (here specify office or position) ..... to be voted for at the primary next hereafter to be held, as representing the principles of said party, and each for himself further declares that he is a member of said party and that he intends to support the candidate named herein.

Names of signers.	Residence. (Ward) (Precinct)	Date of Signing.

SECTION 18. All nomination papers shall have substantially the above form written or printed at the top thereof. No signature shall be counted unless it be upon sheets having such form written or printed at the top thereof. The names of the signers to any such nomination papers shall be signed in ink, each signer for himself. **Signed in ink.**

SECTION 19. Each signer of a nomination paper may sign as many such papers as there are candidates for the office, or position, but no more, and shall declare that he intends to support the candidate named therein; he shall add his residence, and the street and number, if any, and the date of signing, and if in cities his ward and precinct. The names of signers of nomination papers who have signed more papers for the same office or position than herein authorized shall be counted by the board of elections only upon the paper or papers first signed. Signers of nomination papers shall be bona fide residents of the territory within which the person desires to become a candidate. **Number of papers each signer may sign.**

SECTION 20. The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he believes the persons who have signed the same to be electors of the political subdivision described in such nomination papers, and that they signed the same with full knowledge of the contents thereof; that he believes that each signer signed the same on the date stated opposite his name, and that, the affiant intends to support the candidate named therein. Each candidate shall file with his nomination papers a declaration that he will qualify as such officer if nominated and elected. **Affidavit, what to specify.**

SECTION 21. Nomination papers when filed, shall be preserved and be open under regulations to public inspection; such papers, if in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing not less than fifteen days before the day for holding the primary election. A recognized member of a political party, or the controlling committee of a political party may file with the board of elections, a protest in writing against the candidacy of any person who has filed nomination papers therewith seeking to become the candidate of the party represented by such person or committee; and if the board of elections finds that **Protest in writing.**

such candidate is not an elector of the district in which he seeks to become a candidate, or that his nomination papers do not contain the requisite number of names signed by electors of such party, the board shall withdraw his name and it shall not be printed upon the ballot; the provisions of section 2966-23, of the Revised Statutes, relating to objections to nomination papers shall so far as applicable apply to and govern in such matters arising under this section. Certificates shall be transmitted in the manner provided in section 2966-26 of the Revised Statutes, for the transmission of certificates of nomination.

Registration, provisions as to.

SECTION 22. The board of elections in municipalities, where registration of electors is required by law, shall prior to any primary election, make such provision as shall be necessary and reasonable for the transfer upon the registration books and the registration of all persons, not previously registered, who may qualify themselves to vote at the ensuing November election, but no person shall be admitted to vote at any primary election, in such municipalities, unless he shall have caused himself to be registered as an elector therein, in the manner provided by law for the registration of electors.

Separate tickets.

SECTION 23. Separate tickets shall be provided for each political party entitled to participate in such primary; such tickets shall contain the names of all persons whose names have been duly presented and not withdrawn, arranged under the designation of the office in alphabetical order according to surnames, and bear the official signature of the members of the board of elections; such tickets shall conform, as nearly as practicable, to the form provided in the act of April 18, 1892 (O. L. 432), commonly known as the "Australian Ballot Law," and the acts amendatory thereof and supplementary thereto, except that no device or circle shall be used at the head of said tickets; on the back shall be printed the words, "Official Ballot" and "Primary Election," and the name of the political party for which such ballot is printed.

Election, how conducted.

SECTION 24. On each day designated in this act for holding primary elections, a full board of election officers shall be assigned to duty at each polling place, and such election officers shall jointly conduct the election as to all parties. The regular judges and clerks of elections shall be the judges and clerks of primary elections, and shall be charged with the same powers and duties, and shall be subject to the same penalties as is provided by law for the conduct of general elections. There shall be separate poll books, tally sheets and ballot boxes at each voting place provided for each party participating in the election, and the ballot of each voter shall be placed in the ballot box of the party with which he affiliates. Each ballot box shall be plainly marked with the name of the political party whose ballots are to be placed therein, by letters printed thereon or by a card attached

thereto, or both, and so placed that the designation may be easily read.

SECTION 25. The judges of election shall, upon application in writing of the respective controlling committees, admit to the polling room one challenger and one witness for each candidate whose name appears on the ballot for the office at the head of the ticket, said challenger and witness shall be appointed in writing by the candidate in whose behalf he serves. Challengers and witnesses.

Such challengers and witnesses shall have the same privileges and be subject to the same regulations as are prescribed by law for the challengers and witnesses at general elections.

SECTION 26. At such election only legally qualified electors or such as will be legally qualified electors at the next ensuing general election may vote and all such electors may vote only in the election precinct where they reside, and it shall be the duty of the challengers and of the judges, and the right of any elector whenever there is reason to doubt the legality of any vote that may be offered, to interpose a challenge. The cause of a challenge shall be: That the person challenged has received or been promised some valuable reward or consideration for his vote; that he has not previously affiliated with the party whose ticket he now desires to vote, and affiliation shall be determined by the vote of the elector making application to vote at the last general election held in even numbered years. Who may vote. Causes of challenge.

SECTION 27. Before any challenged person shall be allowed to vote, he shall make and subscribe an affidavit duly sworn to, before one of the judges, who are hereby authorized and empowered to administer such oaths, blanks for which shall be furnished by the board of elections, giving age, residence, nationality, citizenship, party allegiance, length of residence in the voting precinct, county and state, and all other facts necessary to disclose whether he be a legal voter at such election, which affidavit shall be returned to the office of the board of elections with the poll books and tally sheets. If a person challenged refuses to be sworn, or being sworn, refuses to answer any questions, or if his answers show that he lacks any of the qualifications herein required to make him a legal voter at such primary election, his vote shall be rejected. The judges, or either of them shall have the power to make further investigation, and he or they may call and examine witnesses as to the qualifications of the person challenged, and if the judges of the party to which the person asking the ticket claims affiliation are not satisfied that he is a legal voter under this act, they shall reject his vote. Oath. Vote rejected, when.

SECTION 28. At the close of the polls the judges and clerks shall proceed without delay to canvass the vote, sign and seal the same, and make return forthwith thereof to the board of elections. If there are any tickets cast and counted or left uncounted concerning the legality of which there is Canvass of vote.

Doubtful tickets.

any doubt or difference of opinion in the minds of the judges of elections, they shall be sealed up and marked "disputed ballots," and returned to the board of elections, with the statement as to whether they have or have not been counted, and if counted what part and for whom; such ballots shall be preserved by the board for such judicial or other investigation as may be ordered by the controlling committee of the party for whom they were voted.

SECTION 29. On the following Thursday, after the primary, at 10 o'clock A. M., the board of elections shall meet and canvass the vote and declare the result in the manner provided by law for general elections. The proper controlling committee of any party participating in the primary, may have at least one representative present during the canvass of the vote.

SECTION 30. When the primary has been held to make nominations of candidates to be voted for at the ensuing November election, the board of elections shall place the names of the persons so nominated, upon the official ballot as the candidates of the respective political parties nominating them.

SECTION 31. If the primary has been held to choose delegates to a convention, the board of elections shall canvass the returns and declare the result, and shall without fee, make, and upon demand, deliver to the persons who may have been chosen, certificates of their election, and no other delegates shall be entitled to sit, or participate, in said convention. A list of the delegates of each party who may have been chosen, shall be filed and kept in the office of the board of elections for one year.

Certificates of election, to delegates, delivered upon demand.

SECTION 32. In like manner, if members of a controlling committee have been chosen, the board of elections shall canvass the returns and declare the result, and shall, without fee, and upon demand, deliver to the persons who may have been chosen, certificates of their election. A list of committeemen of each party who may have been chosen, shall be filed and kept in the office of the board of elections for two years, and it shall be the official roll of the committee.

Certificates of election to members of controlling committee.

Tie vote, how result determined.

SECTION 33. In case of a tie vote the candidates having the highest and equal votes shall, in the presence of the board of elections, determine the result by lot. If they fail to do so the board shall decide the matter in the same manner.

Vacancies, how filled.

SECTION 34. In case of a vacancy or vacancies in the list of nominations occurring by death or otherwise, after the result has been declared, such vacancy, or vacancies, shall be filled by the proper controlling committee of the party in which such vacancy, or vacancies, shall occur, and the names of the candidates, delegates or committeemen, as the case may be, selected by such committee, shall be reported to the proper board of elections, and such board shall cause such name or names to be placed on the official ballots, lists or rolls.

Election officers, compensation of.

SECTION 35. For their services in conducting primary elections, members of boards of election shall each receive for his services the sum of two dollars for each election precinct in his respective county, and the clerk shall receive for his services the sum of three dollars for each election precinct in his county, and judges and clerks of election shall receive the same compensation as is provided by law for such officers at general elections. All expenses of primary elections, including cost of supplies for election precincts and compensation of the members and clerks of boards of election, and judges and clerks of election, shall be paid in the manner now provided by the law for the payment of similar expenses for general elections, and the county commissioners, township trustees or council of municipal corporations or other taxing bodies duly authorized, shall make the necessary levies to meet the same.

Expenses, how paid.

Illegal voting, etc., penalty.

SECTION 36. Whoever votes, or attempts to vote, or tenders to the judge of elections for deposit in the ballot box a ticket, at any primary election knowing that he is not a qualified elector, or votes under an assumed or false name, shall be imprisoned in the penitentiary not less than one year nor more than three years. Whoever personates another for the purpose of voting or attempts to vote by claiming or assuming the name or place of any elector shall be imprisoned in the penitentiary not less than one nor more than five years. Whoever, with intent to defraud or deceive, writes or signs the name of another person to any document, nomination paper, or book, authorized or required by this act, shall be guilty of forgery and shall be imprisoned in the penitentiary not less than one year nor more than three years.

Forgery, penalty.

Voting at primary other than of own party, penalty.

SECTION 37. Whoever votes or attempts to vote at the primary election of any political party, other than the political party with which he has affiliated as herein defined, shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than three months nor more than six months, or both.

Voting more than once, penalty.

SECTION 38. Whoever votes more than once at the same primary election, shall be imprisoned in the penitentiary of the state not less than one year nor more than five years.

Refusing or neglecting duties, penalty.

SECTION 39. Any person wilfully refusing or neglecting to perform any of the duties prescribed in this act shall be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both.

SECTION 40. It shall be unlawful for any delegate or committeeman chosen at any election herein provided for, to give or issue a proxy or authority to another person to act or vote in his stead. It shall be unlawful for any person to act or vote in place of any delegate or committeeman chosen as herein directed. Any person so offending

Giving proxy or voting for another, penalty.

by giving a proxy, or any person by voting or attempting to vote in place of any delegate or committeeman, shall be guilty of a misdemeanor and may be fined in any sum not less than twenty nor more than one hundred dollars and be imprisoned not less than five nor more than thirty days.

100 feet, unlawful to exhibit ticket, etc.

SECTION 41. It shall be unlawful during the time the polls are open for any person within one hundred feet of the polling place of any primary election to give, tender, or exhibit any ballot or ticket to any person other than to a judge of the election, or to exhibit any ticket which he intends to cast, or within such distance solicit or in any way attempt to influence any elector in casting his vote.

Influencing votes, penalty.

SECTION 42. Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquors, reward, or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under pretense of being used to procure the vote of any other person or persons or to be used at any poll or other place prior to or on the day of a primary election for or against any candidate, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to pay a fine not less than one hundred dollars and not more than five hundred dollars, or be imprisoned in the penitentiary for one year, or both, in the discretion of the court.

All election laws to apply.

SECTION 43. All provisions and requirements of the law of the state to preserve and protect the purity of elections, and all the penalties for violation of such laws shall apply and shall be enforced as to all primary elections held under this act.

Testimony, bar to prosecution.

SECTION 44. In any proceeding or prosecution brought under this act, when any person is called to testify, he shall be required to testify to all facts of which he has any knowledge, and the fact that he has so testified shall forever be a bar to any prosecution brought against him for violating this act as to such matters to which he may have testified; and any person who, having been duly subpœnaed or ordered to appear before any grand jury, court, board or officer in any proceeding or prosecution upon complaint, information, affidavit or indictment for any offense defined in this act, shall fail so to do, or having appeared shall refuse to answer any question pertinent to the matter under inquiry or investigation, or shall refuse to produce upon reasonable notice any material, books, papers, documents or records in his possession, or under his control, shall be guilty of a misdemeanor and shall upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five thousand dollars and be imprisoned in the county jail for not less than thirty days nor more than six months.

Failure to appear, etc.

Penalty.

SECTION 45. That sections 2916, 2917, 2919, 2920, 2921 and 2921*a* and all acts and parts of acts inconsistent with the provisions of this act are to the extent of such

inconsistency hereby repealed, and this act shall take effect and be in force from and after January 1st, 1909.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
116G.

[House Bill No. 838.]

AN ACT

To provide religious services in county infirmaries.

Be it enacted by the General Assembly of the State of Ohio:

Religious services.

SECTION 1. That each board of infirmary directors in the state may provide for holding religious services in the infirmary of its county at least twice a month on the first day of the week, commonly called Sunday; which services shall be conducted by some clergyman to be employed by the board for that purpose, and for and during such term as the directors shall designate, not exceeding one year, and said clergyman may also during the time of such employment conduct funeral services at the death of each inmate.

Compensation of clergyman.

SECTION 2. A reserve fund of not less than one hundred and fifty, nor more than two hundred dollars, shall be set apart each year for the commissioners of the county out of the poor fund for the purpose of defraying the expenses of the services mentioned in the preceding section; which fund shall be paid by the county commissioners to the clergyman conducting such services.

Board having charge of county jail, etc., to hold religious services.

SECTION 3. That each administrative board or other administrative authority in the state, having in charge or control a county jail, city prison, or workhouse, shall provide for holding religious services in the same, on the first day of the week, commonly called Sunday, and may employ a clergyman or religious organization for the purpose of conducting such services, and any expense incurred by such board or authority, in providing such religious service, shall be paid out of the general fund of the county or city.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
117G.

[House Bill No. 854.]

AN ACT

To amend section 3 of an act entitled, "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, as amended April 23, 1904, relating to election precincts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, as amended April 23, 1904, be amended so as to read as follows:

Ward, township or precinct may be divided, when.

Sec. 3. In all municipalities where registration is not required, and in townships, when four hundred votes or more have been cast at the last preceding November election in any ward or township, or in any precinct therein, such ward, township or election precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of voters in each ward or precinct to two hundred, as nearly as may be practicable; provided, that a township wherein less than four hundred votes were cast at the preceding November election, may be divided into two election precincts as hereinafter provided, if a majority of the voters therein petition therefor and the deputy state supervisors are of the opinion that such division is necessary and from time to time, any or all of such precincts may be re-arranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require, provided that no precinct hereafter created shall contain less than one hundred and fifty voters; except that a township precinct may contain seventy-five voters and except that a municipality containing fifty or more voters shall compose at least one voting precinct as provided in section 2923 herein, and in a municipality situated in two or more townships, the part thereof in each township shall compose at least one voting precinct if there are fifty or more voters therein. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts shall be divided, changed or combined, will be

150 voters, minimum for precinct; exceptions.

Ten days' notice.

considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and if there are no remonstrances against said division, change or combination, they shall declare the same, and the precincts so established; but if any twelve electors of such precinct remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the powers and duties of boards of deputy state supervisors in reference to the division of election precincts within such cities as provided in section 2926 of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election of an assessor in each such subdivision, but in all such election precinct subdivisions as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct.

Hearing.

Assessor, provision as to.

SECTION 2. That section 2923 of the Revised Statutes be amended so as to read as follows:

Sec. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation, shall compose an election precinct, unless such township is divided according to law, into precincts. Each municipal corporation containing fifty or more voters, shall also compose an election precinct, unless such corporation is divided according to law, into precincts; but if such municipal corporation is situated in two or more townships, or counties, the territory of such corporation situated in each township, or county, together with such territory as may be attached thereto for voting purposes, shall constitute at least one election precinct, provided that territory annexed to a village for school purposes may be included within a village precinct if the deputy state supervisors are of the opinion the same is practicable and most convenient to the voters. Each ward of every city shall compose one election precinct, unless such ward is divided, according to law, into precincts. Elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of such precinct, and for each municipal, or ward precinct, at such place as the council of the corporation shall designate. Provided that in registration cities, the deputy state supervisors of election shall designate such places of holding election in each precinct.

Precincts, township and municipal, composition of.

Registration cities, election held where.

SECTION 3. That section 3 of an act entitled, "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein

named, passed April 30, 1891, as amended April 23, 1904, and section 2923 of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
118G.

[House Bill No. 932.]

AN ACT

To compel parents to maintain their children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The father, or when charged by law with the maintenance thereof, the mother, of a legitimate or illegitimate child or children, under sixteen years of age, or the husband of any pregnant woman, living in this state, who being able either by reason of having means, or by personal services, labor or earnings, shall neglect or refuse to provide such child or children or pregnant woman with necessary or proper home, care, food and clothing, or any such child or children being legally an inmate or inmates of a county or district children's home in this state, shall neglect or refuse to pay to the trustees of such children's home, the reasonable cost of keeping such child or children in said home, or the father of any legitimate child or children under sixteen years of age, or the husband of any pregnant woman, who shall leave such child or children or pregnant woman with intent to abandon such child or children or pregnant woman, shall, upon conviction, be deemed guilty of a felony and punished by imprisonment at hard labor in the penitentiary for not more than three years or less than one year, or in a county jail or a workhouse at hard labor, for not more than one year nor less than six months, provided, however, if after conviction and before sentence, he shall appear before the court in which said conviction shall have taken place, and enter into bond to the state of Ohio, in the penal sum, to be fixed by the court, at not less than five hundred or more than one thousand dollars, with sureties to be approved by the court, conditioned that he or she will furnish said child or children or pregnant woman with necessary and proper home, food, care and clothing, or will pay for such purpose, to a trustee to be named by said court, promptly every week a sum to be named by said court, or if said child or children

Pregnant woman.

Neglect or refusal to pay trustees of children's home.

Abandonment.

Penalty.

Bond.

Trustee named by court.

be in a county or district children's home, that he or she will pay, so long as said child or children remains in said home, to the trustees of said children's home, or to a trustee to be named by the court for the benefit of such trustees, the reasonable cost of keeping such child or children, the amount and time of payments to be fixed by the court, then said court may suspend sentence therein.

Suspension of sentence.

SECTION 2. If the offense charged is abandonment or neglect or refusal to provide such child or children or pregnant woman with the necessary and proper home, care, food and clothing the offense shall be held to have been committed in any county of this state in which such child or children or pregnant woman may be at the time such complaint is made.

Offense, where deemed committed.

SECTION 3. If the offense charged is the neglect or refusal to pay to the trustees of such children's home or the trustee appointed by the court, the reasonable cost of keeping such child or children, the offense shall be held to have been committed in the county where such children's home may be situated.

SECTION 4. The citizenship once acquired in this state of any father or mother of any legitimate or illegitimate child living in this state, shall be deemed for all the purposes of this act to continue until such child has arrived at the age of sixteen years, provided said child so long continues to live in this state.

Citizenship once acquired, continuance of.

SECTION 5. That upon a failure of said father or mother or husband of such pregnant woman to comply with such order and undertaking, he or she may be arrested by the sheriff or other officer, on a warrant issued on the precipe of the prosecuting attorney, and brought before the court for sentence, whereupon the court may pass sentence, or for good cause shown, may modify the order as to the time and amount of payments, or take a new undertaking and further suspend sentence as may be deemed for the best interests of such child or children or pregnant woman and the public.

Warrant, issuing of.

Order, modification of.

SECTION 6. That for the purposes set forth in this act, any humane society, incorporated, and existing under the laws of this state, being willing to render its services without compensation, may be appointed by the court as such trustee, and when so appointed, shall have the powers of such trustee as herein conferred.

Humane society, appointment of, as trustee.

SECTION 7. Whenever any person is convicted, sentenced and confined, under the provisions of this act, in a workhouse, the county from which said person is so convicted, sentenced and confined, shall, upon the warrant of the county auditor of such county, out of the general revenue fund, pay monthly forty cents for each day said person is so confined, to the trustee appointed by the court under the provisions of this act, to be by said trustee expended for the maintenance of the child or children under sixteen years

Workhouse, provisions as to.

of age, of such person as provided in this act; and the board of managers of the penitentiary, or reformatory to which any person is sentenced and confined under this act, shall credit such person with forty cents per day for each working day during the period of such confinement, and the same shall be paid, or caused to be paid, by the board of managers of said penitentiary or reformatory, to the trustee appointed by the court under this act. In all cases of conviction under this act where the person is confined in either a workhouse, penitentiary or reformatory, the name and postoffice address of said trustee so appointed by the court shall appear in the mittimus. The trustee appointed by the court under the provisions of this act shall make quarterly reports of the receipts and expenditures of all moneys coming into the hands of said trustee as herein provided, said reports to be made to the county commissioners of the county from which such person was sentenced, or to the board of managers of the penitentiary, or reformatory, as the case may be, and the court may require said trustee to enter into a good and sufficient bond for the faithful performance of the duties so imposed as such trustee.

Trustee to receive 40c per day.

Quarterly reports.

Bond of trustee.

SECTION 8. That section 3140-2 and an act entitled, "An act to prevent abandonment and pauperism," passed April 16, 1890, as amended April 6, 1900, are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

Governor.
ANDREW L. HARRIS,
119G.

[House Bill No. 1049.]

AN ACT

To amend section 4155 of the Revised Statutes, in relation to renewal of chattel mortgages by refiling.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4155 of the Revised Statutes be amended so as to read as follows:

Sec. 4155. Every mortgage so filed shall be void, as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of three years from the filing thereof, unless, within thirty days next preceding the expiration of the said term of three years, a true copy of such mortgage, together with a statement verified as provided in the last

Refiling, every three years.

section, together with a statement exhibiting the interest of the mortgagee in the property at the time last aforesaid, claimed by virtue of such mortgage, is again filed in the office where the original was filed.

SECTION 2. That said original section 4155 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
120G.

[House Bill No. 1166.]

AN ACT

To protect the lives of school children by an adequate compulsory fire drill.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having an average daily attendance of fifty or more pupils, to instruct and train the pupils by means of drills, so that they may in sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once for each month when said schools are in session and all doors of exit shall be kept unlocked during school hours.

Fire drills, to be monthly, at least; unlocked doors.

That every teacher or instructor in every public, private or parochial school shall devote not less than thirty minutes in each month during which the school is in session, to instruction of pupils between the ages of six and fourteen years, in fire dangers.

Instructions in fire dangers.

For the purpose of such instruction it shall be the duty of the state fire marshal to prepare a book conveniently arranged in chapters, or lessons, such chapters or lessons to be in number sufficient to provide a different chapter or lesson for each week of the maximum school year, one of such lessons to be read by the teachers in such schools each week. The books shall be published at the expense of the state under the direction of the state school commissioner and shall be distributed in quantities sufficient to provide a copy for each teacher required by the provisions of this act to give the instruction herein provided for; the distribution to be made by the state school commissioner.

Book to be prepared by state fire marshal; publishing and distribution of.

SECTION 2. Willful neglect by any principal or other

Violation.

person in charge of any public or private school or educational institution to comply with the provision of this act, shall be a misdemeanor, punishable, each offense, by a fine of not more than twenty nor less than five dollars.

Penalty.

SECTION 3. It shall be the duty of the members of school boards, school directors, trustees, or other body of persons having control of the schools of any township, town or city, to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual is in use or may hereafter come in use.

Copy of this act, printing of, in manual.

SECTION 4. The provisions of this act shall not apply to colleges and universities.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
121G.

[House Bill No. 1225.]

AN ACT

To enlarge the powers of the chief inspector of workshops and factories in the matter of public schools and other buildings, and to increase the number of district inspectors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In addition to the powers now vested in the chief inspector of workshops and factories it shall be his further duty to cause his district inspectors to inspect all schoolhouses, colleges, opera houses, halls, theaters, churches, infirmaries, children's homes, hospitals, medical institutes, asylums and other buildings used for the assemblage or betterment of people in any municipal corporation, township or county in the state of Ohio with special regard to the precautions taken for the prevention of fires, and the provision of fire escapes, exits, emergency exits, hallways, air space, and all other matters which relate to the health and safety of those occupying or assembling in such structures.

Schoolhouses, etc., inspection of.

SECTION 2. The district inspectors shall file with the chief inspector of workshops and factories a written report of every inspection made of any of the aforesaid structures, stating the condition in which such building was found, and, if it is found that necessary precautions for the prevention of fire or other disaster have not been taken, nor means provided for the safe and speedy egress of the persons who might be assembled therein, said report shall spe-

District inspectors, written report of.

cify such appliances, additions or alterations as are necessary to provide such precautions and protection, and it shall then be the duty of the chief inspector of workshops and factories to notify in writing the owner or person having control of such structure of the appliances, additions or alterations necessary to be added to or made in such structure.

Written notice to owner or agent.

SECTION 3. A copy of said notice shall be mailed to the mayor of the municipality, if such structure is located therein, and if not, then to the prosecuting attorney of the county wherein it is located, and it shall be the duty of the mayor of the municipality, with the aid of the police, or the prosecuting attorney, with the aid of the sheriff, upon receiving such notification, to prohibit the use of said structure for the assemblage of people until the appliances, additions or alterations required by said notice have been added to or made in such structure.

Copy of notice to mayor or prosecuting attorney.

SECTION 4. Upon receiving said notice it shall be the duty of the owner or person in control of such structure to comply with each and every detail embodied therein, and it shall be his further duty, upon the completion of every such detail, to report the fact in writing to the chief inspector of workshops and factories and the mayor of the municipality, or the prosecuting attorney of the county, as the case may be.

Duty of owner or agent upon notice.

SECTION 5. The plans for every such structure aforesaid which may be hereafter erected in the state of Ohio, and the plans for any alterations in or additions to any such structure aforesaid that is now erected, shall be approved by the chief inspector of workshops and factories, except that in municipalities having regularly organized building inspection departments the plans shall be approved by said municipal departments.

Plans, approval of.

SECTION 6. Any architect, builder or other person who shall alter the approved plans, or fail to construct or alter the building in accordance with said approved plans without the consent of the department that approved them shall be deemed guilty of a criminal offense, and, upon conviction, shall be fined in any sum not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00), or imprisoned in the county jail no less than thirty days nor more than one year, or both, such fine and imprisonment at the discretion of the court.

Altering plans, etc.

Penalty.

SECTION 7. For the purpose of carrying out this provision of this act the chief inspector of workshops and factories shall, with the approval of the governor, appoint one assistant chief inspector who shall be a competent and practical architect, and whose duty it shall be to examine carefully the plans and specifications of such buildings, alterations and additions, and perform such other duties as the chief inspector may direct. The salary of said assistant chief inspector shall be two thousand five hundred dollars a year, which salary and all necessary traveling expenses

Assistant chief inspector, appointment of.

Salary.

incurred by said inspector in the discharge of his official duties shall be paid out of the treasury of the state on the warrant of the auditor from any fund therein not otherwise appropriated.

District inspectors, ten additional, appointment of.

SECTION 8. For the purpose of carrying out this act the chief inspector of workshops and factories is authorized to appoint, with the approval of the governor, ten additional district inspectors who shall be competent and practical mechanics with a knowledge of building construction, and who shall receive the same compensation, be clothed with the same powers, and whose terms of office shall be the same as is now provided by law for the district inspectors of workshops and factories.

Violation of order.

Penalty.

SECTION 9. Any person, firm, board or corporation, being the owner or in control of any building mentioned in this act, who shall use or permit the use of such building, in violation of any order prohibiting its use, issued in accordance with this act, or who shall fail to comply with the requirements of any order so issued relating to the change, improvement or repair of such building, shall be fined not less than ten, nor more than one hundred dollars, and each day that such use or failure shall continue, shall constitute a separate offense.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 28, 1908.
Approved April 28, 1908.

ANDREW L. HARRIS,
Governor.
122G.

[House Bill No. 716.]

AN ACT

To provide transportation of pupils in village school districts with attached territory.

Be it enacted by the General Assembly of the State of Ohio:

Conveyance of pupils, expense, how paid.

SECTION 1. Boards of education in village school districts with attached territory are authorized to provide for the conveyance of the pupils of said districts to the school or schools of the district, the expense of said conveyance to be paid from the school funds of the village district with attached territory. Provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils liv-

ing less than one mile from the school house or houses, transportation of pupils in any event shall be optional with the boards of education.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 29, 1908.
Approved April 29, 1908.

ANDREW L. HARRIS,
Governor.
123G.

[House Bill No. 799.]

AN ACT

To provide for the government of the Ohio State Sanatorium, and to regulate the admission of patients thereto.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in order that the state sanatorium may be ready to receive patients as soon as possible after its completion by the commission provided for in an act passed April 21, 1904, entitled, "An act to provide for the appointment of a commission to select and purchase lands and erect thereon the necessary buildings and structures for a state sanatorium for the treatment of persons afflicted with incipient pulmonary tuberculosis (consumption), and the appointment of a board of trustees of such sanatorium," the governor may appoint the board of trustees of said sanatorium whenever he may deem it advisable; and said board of trustees are hereby authorized to make such arrangements for the reception of patients, including the selection of a superintendent, officers and employes, as they may deem necessary; provided that no salaries or wages shall be paid officials or employes until such time as they are actually engaged in the duties for which they were employed. The board of trustees shall be entitled to receive their necessary traveling expenses for attendance at meetings of the board, which shall be payable from appropriations made for the maintenance of such institution, provided however, that no expenses of any kind whatever shall be paid to any trustee except after the filing of itemized statements of such expenses properly sworn to by the trustee incurring the expense.

Board of trustees, appointment of.

Itemized statement.

SECTION 2. The board of trustees shall appoint a superintendent of the sanatorium who shall be a reputable physician specially skilled in the treatment of pulmonary tuberculosis, and who shall serve during the pleasure of the board, and be removed from office only for

Superintendent, appointment of.

cause shown; the salary of the superintendent shall be fixed by the board of trustees. Said board, upon the nomination of the superintendent, shall also appoint a financial officer, necessary assistant physicians, matron, nurses, and such other officers and employes as are necessary for the proper conduct of the sanatorium, and shall fix the compensation of each, not exceeding the maximum prescribed by law; and any such appointee may be removed at the pleasure of the superintendent who shall keep a record of such discharges and the reason therefor, and make a report to the board of trustees of the same at each regular meeting.

Matron, Nurses, etc.

SECTION 3. The board of trustees, upon nomination of the superintendent, shall appoint a sufficient number of reputable physicians skilled in medical diagnosis for the examination of all applicants for admission to the sanatorium, who shall be selected, so far as possible, so as to be conveniently accessible to all parts of the state; provided that no member of the board of trustees shall serve as such medical examiner. Such medical examiners in the examination of applicants shall follow such directions, and furnish such information in regard thereto as may be required by the superintendent of the sanatorium. For each complete and satisfactory examination medical examiners shall be entitled to a fee of five dollars, to be paid by the applicant.

Applicants, examination of.

SECTION 4. The board of trustees may make such rules and regulations governing the sanatorium, and the officers, employes and patients thereof, as they may deem necessary, and it shall be the duty of the superintendent to see that all such rules and regulations are properly enforced.

Rules and regulations.

SECTION 5. Any citizen of this state of more than seven years of age who is suffering from pulmonary tuberculosis in the incipient or early stage, as determined by the superintendent, may be admitted to the sanatorium upon payment in advance of five dollars per week, which charge shall fully cover all expenses for medical treatment, medicine, nursing, board, lodging and laundry, provided that the trustees, upon the recommendation of the superintendent, may accept, after investigation, a limited number of suitable patients, not to exceed ten per cent. of the total capacity, for any sum less than five dollars per week, as they may deem advisable. All patients admitted to the sanatorium shall be received upon probation for a period of four weeks, and if at the end of this time they are deemed suitable cases for sanatorium treatment, as determined by the superintendent, they shall be regularly admitted, and if not they shall be discharged. The superintendent, with the approval of the trustees, may provide suitable out-door employment for patients and allow such compensation for work done, as they may deem proper, not to exceed in any

Admission, who entitled to.

Probation period.

case five dollars per week, to be deducted from the weekly charge for residence in the sanatorium.

SECTION 6. The board of trustees may provide for the production of milk and eggs upon the sanatorium farm, and also for such vegetables and other products as they may deem advisable, having regard, so far as practicable, for furnishing light out-door labor to patients; and they may erect such buildings, employ such labor, and make such purchases as they may deem necessary therefor, within appropriations provided by the legislature for such purposes. Out-door labor furnished.

SECTION 7. The board of trustees shall have authority to receive for the use of said institution gifts, legacies, contract endowments, demises and conveyances of property, real or personal, that may be made, given or granted to them for the state sanatorium, or in its name, or in the name of said board. Gifts, legacies, etc.

SECTION 8. The board of trustees are hereby authorized to receive and expend for the maintenance of the state sanatorium all money paid to them by patients for treatment therein, or money received from other sources, provided that compensation for work done by patients in accordance with section five of this act shall be paid from the fund so created, if there be any money unexpended in such fund; and it shall be the duty of the superintendent to make monthly reports in detail to the auditor of state of all money received and expended under this provision. Monthly reports.

SECTION 9. Except as herein provided the laws governing other benevolent institutions of this state shall apply to the Ohio state sanatorium.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed April 29, 1908.
Approved April 29, 1908.

ANDREW L. HARRIS,
Governor.
124G.

[House Bill No. 1059.]

AN ACT

To provide for apportioning and constructing public ditch and drain work.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3, 7 and 11 of an act entitled, "An act to provide for the cleaning out and keeping in repair of public ditches, drains and water courses and to repeal an act passed April 15, 1902, entitled, "An act to provide for the cleaning out and keeping in repair public

ditches, drains and water courses, and to repeal sections 4496, 4497, 4497*a*, 4498, 4553, 4554, 4555, 4556, of the Revised Statutes of Ohio, and sections 1 to 13 inclusive and as amended of an act entitled, "An act to provide for the cleaning out and keeping in repair public ditches and water courses," passed April 15, 1902, passed April 2, 1906, be amended so as to read as follows:

Sec. 3. For the cleaning out and keeping in repair of all township and county ditches, it shall be the duty of the township ditch supervisor to divide the same into working sections and apportion the same to the landowners, corporate roads, railroads, township and county according to the benefits received, and owners of lands not contiguous to the ditch but the water from whose lands is carried into the ditch by means of tile or by passing over the lands of others, shall be required to assist in cleaning out and keeping such ditch in repair, and all working sections allotted to each landowner to be on or as near as practicable to his premises. With the consent of the township board of trustees said supervisor may secure the services of a surveyor in making the apportionment and constructing the work.

Apportionment, according to benefits received.

Surveyor, securing services of.

Sec. 5*a*. Any person interested in the apportionment of the work of reclaiming or reconstructing any such ditch may take an appeal from the proceedings of the trustees to the probate court of the county by giving written notice thereof to the clerk of such township within 15 days after the decision of the trustees, and by filing with the clerk a bond, with two or more sufficient sureties, conditioned for the payment of all costs made upon such appeal in case the decision of the trustees shall be sustained in the probate court; which bond shall be made to the acceptance of the township clerk and the probate judge with the other papers in the case; and such clerk thereupon, at the request of each person so appealing, his agent or attorney, make and deliver to each such person, his agent or attorney, a full and complete certified transcript of the proceedings had in the case, which shall be filed with the probate judge of such county within 10 days from the filing of such bond.

Appeal.

Transcript, clerk to make and deliver.

Sec. 5*b*. So far as is applicable the provisions of sections 4534, 4535, 4536, 4537, 4538, 4539, 4540, 4541, and 4542 shall be followed in the hearing and determining the questions submitted to the probate court on appeal, save and except that the probate judge shall hear and determine the case sitting as in a court of equity, and the court shall fix the final apportionment of the work to be done without calling a jury to determine any of the questions of fact involved in the case.

Judge to sit as in court of equity.

Sec. 5*c*. Any landowner who after the passage of this act is dissatisfied with the apportionments that have heretofore been made relative to the cleaning of ditches may avail himself of the provisions of this act in regard to the appeal by filing within 30 days after the passage of this act his bond with the township clerk and proceeding there-

after in the same manner as provided for in this act in cases where the hearing had been had before the trustees, as provided for in this act.

Sec. 7. If any landowner, corporate road, railroad, township or county, notified to clean out the ditch or water course under the provisions of this act, shall neglect or refuse to comply with same within thirty days, the ditch supervisor shall, after giving ten (10) days' notice by posting notices in three conspicuous places in said township, sell the work of cleaning said section or sections to the lowest responsible bidder, and take a bond as provided in section six (6) and certify the cost thereof to the county auditor, as provided in section six (6) of this act. And the ditch supervisor shall certify the amount due the contractor, or contractors, for the work done, according to the provisions of this act, to the township trustees, who shall order the same paid out of the township ditch fund.

Sale of work by supervisor.

Sec. 11. Where any county or township ditch, or any part thereof, has been tiled, or may hereafter be tiled, said ditch, shall be subject to the provisions of this act. If in the judgment of the township ditch supervisor, said tile is small and insufficient to provide the necessary drainage, the surface ditch shall be kept open by the provisions of this act.

Tiled ditches.

SECTION 2. That sections 3, 7 and 11 be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 29, 1908.
Approved April 29, 1908.

ANDREW L. HARRIS,
Governor.

125G.

[Senate Bill No. 359.]

AN ACT

To amend section 1 of an act entitled, "An act to regulate the sale of milk," passed April 10, 1889, to prohibit the use of wet distillery waste in the feeding of cows.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to regulate the sale of milk," passed April 10, 1889, be amended so as to read as follows:

Sec. 1. That whoever by himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange or exposes or offers for sale

Distillery waste.

or exchange adulterated milk, or milk to which water or any foreign substance has been added, or milk from cows fed on wet distillery waste, or starch waste, or from cows kept in a dairy or place which has been declared to be in an unclean or unsanitary condition by certificate of any duly constituted board of health or duly qualified health officer, within the county in which said dairy is located, or from diseased or sick cows, shall for a first offense, be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense, by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the jail or workhouse for not less than thirty nor more than sixty days; and for a subsequent offense, by fine of fifty dollars, and by imprisonment in the jail or workhouse for not less than sixty nor more than ninety days.

Penalty.

SECTION 2. That section 1 of an act entitled, "An act to regulate the sale of milk," passed April 10, 1889, be, and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after May 1st, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.
126G.

[Senate Bill No. 415.]

AN ACT

To amend section 4075 of the Revised Statutes of Ohio relative to compensation of county school examiners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4075 of the Revised Statutes of Ohio be amended so as to read as follows:

Examiners, compensation of.

Sec. 4075. Each member of the county board of school examiners shall be entitled to receive ten dollars for each examination of fifty applicants or less, fourteen dollars for each examination of more than fifty applicants and less than one hundred, eighteen dollars for each examination of one hundred applicants and less than one hundred and fifty, twenty-two dollars for each examination of one hundred and fifty applicants and less than two hundred, and four dollars for each additional fifty applicants, or fraction thereof, to be paid out of the county treasury on the order of the county auditor; all books, blanks and stationery re-

quired by the board shall be furnished by the county auditor; the board may contract for the use of suitable rooms in which to conduct the examination, for the printing of examination questions, may procure fuel and light, and employ janitors, to take charge of the rooms and keep them in order, and the expenses so incurred, together with the cost of advertising required by section forty hundred and seventy-one, shall be paid out of the county treasury on orders of the county auditor, who shall issue such orders upon the certificate of the president of the board, countersigned by the clerk. Stationery, etc., how furnished.

SECTION 2. Said section 4075 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.
127G.

[Senate Bill No. 428.]

AN ACT

To amend sections 6343 and 6344 of the Revised Statutes of Ohio relating to the transfer of stocks of merchandise other than in the usual course of trade.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6343 and section 6344 of the Revised Statutes of Ohio be and the same hereby are amended so as to read as follows:

Sec. 6343. Every sale, conveyance, transfer, mortgage or assignment, made in trust or otherwise by a debtor or debtors, and every judgment suffered by him or them against himself or themselves in contemplation of insolvency, and with a design to prefer one or more creditors to the exclusion in whole or in part of others, and every sale, conveyance, transfer, mortgage or assignment made, or judgment procured by him or them to be rendered, in any manner, with intent to hinder, delay or defraud creditors, shall be declared void as to creditors of such debtor or debtors at the suit of any creditor or creditors, and in any suit brought by any creditor or creditors of such debtor or debtors for the purpose of declaring such sale void, a receiver may be appointed who shall take charge of all the assets of such debtor or debtors, including the property so sold, conveyed, transferred, mortgaged, or assigned, which receiver shall administer all the assets of the debtor or debt- Receiver, appointment of.

ors for the equal benefit of the creditors of the debtor or debtors in proportion to the amount of their respective demands, including those which are unmatured.

Knowledge of fraudulent intent, material.

Provided, however, that the provisions of this section shall not apply unless the person, or persons to whom such sale, conveyance, transfer, mortgage or assignment be made, knew of such fraudulent intent on the part of such debtor or debtors, and provided, further, that nothing in this section contained shall vitiate or affect any mortgage made in good faith to secure any debt or liability created simultaneously with such mortgage, if such mortgage be filed for record in the county wherein the property is situated, or as otherwise provided by law, within three (3) days after its execution, and where, upon foreclosure or taking possession of such property, the mortgagee fully accounts for the proceeds of such property.

Mortgage, provisions as to.

Presumption of fraud.

Every sale or transfer of any portion of a stock of goods, wares or merchandise otherwise than in the ordinary course of trade in the regular and usual prosecution of the seller's or transferrer's business, or the sale or transfer of an entire stock in bulk shall be presumed to be made with the intent to hinder, delay or defraud creditors within the meaning of this section, unless the seller or transferrer shall, not less than seven (7) days previous to the transfer of the stock of goods sold or intended to be sold, and the payment of the money thereof, cause to be recorded in the office of the county recorder of the county in which such seller or transferrer conducts his business, and in the office of the county recorder of the county or counties in which such goods are located, a notice of his intention to make such sale or transfer, which notice shall be in writing describing in general terms the property to be sold and all conditions of such sale and the parties thereto; excepting, however, that no such presumption shall arise because of the failure to record notice as above provided in the case of any sale or transfer made under the direction or order of a court of competent jurisdiction, or by an executor, administrator, guardian, receiver, assignee for the benefit of creditors or other officer or person acting in the regular and proper discharge of official duty or in the discharge of any trust imposed upon him by law, nor in the case of any sale or transfer of any property exempt from execution.

Notice of intention to be filed with recorder.

Exceptions.

Sec. 6344. Any creditor or creditors, as to whom any of the acts or things prohibited in the preceding section are void, whether the claim of such creditor or creditors has matured or will thereafter mature, may commence an action in a court of competent jurisdiction to have such acts or things declared void. And such court shall appoint a trustee or receiver according to the provisions of this chapter, who upon being duly qualified shall proceed by due course of law to recover possession of all property so sold, conveyed, transferred, mortgaged or assigned, and to administer the same for the equal benefit of all creditors,

as in other cases of assignments to trustees for the benefit of creditors. And any assignee as to whom anything or act mentioned in the preceding section shall be void, shall likewise commence a suit in a court of competent jurisdiction to recover possession of all property so sold, conveyed, transferred, mortgaged or assigned, and shall administer the same for the equal benefit of all creditors as in other cases of assignments to trustees for the benefit of creditors. Assignee to bring suit.

Provided, that where such assignee fails or declines, upon notice by any creditor or creditors to institute such suit such creditor or creditors may themselves institute such suit within five days after serving notice upon such assignee to commence such suit, and the procedure and administration shall be the same as is hereinbefore provided for suits commenced by any creditor or creditors.

SECTION 2. That section 6343 and section 6344 of the Revised Statutes be, and the same hereby are repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.
128G.

[Senate Bill No. 478.]

AN ACT

To regulate the manufacture and sale of renovated or process butter.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession with the intent to sell, exchange or deliver, any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and rechurning or reworking the said mixture; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose any butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, and is commonly known as boiled, or cold extracted process or renovated butter, and which for the purpose of this act is hereby designated as "renovated" or "process butter," unless the same shall be branded or marked as provided in section two of this act.

Rechurning or reworking.

"Renovated" or "process butter" defined.

Stamped, labeled or marked conspicuously.

SECTION 2. Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with intent to sell any "renovated" or "process butter," as defined in section one of this act, shall have the words "renovated butter" or "process butter" conspicuously stamped, labeled or marked in one or two lines and in plain Gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "renovated" or "process butter," or, if such butter is exposed for sale uncovered or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser. When "renovated" or "process butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "renovated butter," or "process butter" printed or stamped thereon in one or two lines, and in plain Gothic letters at least three-eighths of an inch square, and such wrapper shall contain no other words or printing thereon and said words "renovated butter" or "process butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

Wrappers plainly stamped.

Penalty.

SECTION 3. Any one violating any of the provisions of this act shall for a first offense be punished by a fine of not less than fifty nor more than two hundred dollars; for a second offense by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment in the county jail or workhouse for not less than thirty days nor more than sixty days, or both.

SECTION 4. This act shall take effect sixty days after its passage.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

129G.

[Senate Bill No. 490.]

AN ACT

To provide for the regulation of the sale by dealers and the keeping on hand by consumers, of gasoline.

Be it enacted by the General Assembly of the State of Ohio:

Gasoline, benzine or naphtha. stencil required.

SECTION 1. Every person dealing at retail in gasoline, benzine or naphtha shall deliver the same to the purchaser only in barrels, casks, packages or cans having the word "gasoline," "benzine," or "naphtha" plainly stenciled thereon. No such dealer shall deliver kerosene in a barrel, cask, package or can painted or stenciled as hereinbefore provided. Every person purchasing gasoline, benzine or naphtha for use shall procure and keep the same only in barrels, casks, packages or cans painted and stenciled as hereinbefore provided. No person keeping for use or using kerosene shall put or keep the same in any barrel, cask, package or can painted or stenciled as hereinbefore provided; provided, however, that in case of gasoline, benzine and naphtha being sold in bottles for cleaning and similar purposes it shall be deemed sufficient if the contents of such bottles are so designated by a label securely pasted or attached thereto with the words "gasoline, benzine or naphtha."

Purchaser to use cans painted and stenciled.

Exception, when used for cleaning purposes.

Enforcement, how accomplished.

SECTION 2. It shall be the duty of the state oil inspector and his deputies, and of the police department in cities, to enforce the provisions of this act; and their compensation and expenses of the state oil inspector and his deputies while so engaged shall be paid from the fund derived from inspection of illuminating oil.

Penalty.

SECTION 3. Any person violating any of the provisions of section 1 of this act shall be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment in the county jail not to exceed ninety days, or both.

SECTION 4. This act shall be in force on and after September 1, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

130G.

[House Bill No. 683.]

AN ACT

To amend section 195 of the Municipal Code of 1902, in relation to election of president pro tem. of village councils.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 195 of the Municipal Code of 1902, be amended so as to read as follows:

President pro tem. of council, when to be elected.

Sec. 195. The council shall at the first meeting in January of each year immediately proceed to elect a president pro tem. from their own number and from time to time provide such employes for the village as they may determine. The president pro tem. of council shall serve until the first meeting of the council in January next after his election, but the employes can be removed at any regular meeting by a majority of the members elected to council. When by reason of the absence of the mayor from the village or the mayor is unable for any cause to perform his duties, the president pro tem. of council becomes acting mayor, he shall have the same powers and perform the same duties as the mayor. Provided, however, that councils of villages now in office shall elect a president pro tem. of council at the first meeting held within thirty days from the passage and the approval of this act.

Acting mayor.

SECTION 2. That said section 195 of said act of October 22d, 1902, be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.
131G.

[House Bill No. 808.]

AN ACT

To amend section 6306 of the Revised Statutes relating to the sale of real estate by guardian of idiot, imbecile or lunatic.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6306 of the Revised Statutes be amended so as to read as follows:

Sec. 6306. Whenever the sale of the real estate, or coal from under, or fire-clay upon or under, the real estate of such ward is necessary for his support, or the support of his family, or the payment of his debts, or such sale will

be for the interest of such ward or his children, the guardian may sell the same under like proceedings as are or may be required by law to authorize the sale of real estate by the guardian of a minor, or if it be more for the interest of such idiot, imbecile or lunatic, or his children, the probate court, upon the petition of the guardian, may authorize him to sell said real estate, or coal, iron-ore, lime-stone, fire-clay or other minerals upon, or under the real estate, or the right to mine the same, at private sale, either in whole or in parcels and upon such terms of payment as shall be prescribed by the court; said petition shall contain a pertinent description of the real estate, coal or fire-clay proposed to be sold, a statement of its value as nearly as can be ascertained, and the facts upon which the application is founded; and if, upon hearing, the court shall be satisfied that it will be more for the interest of the ward that said real estate, coal or fire-clay should be sold at private than at public sale, the court may make an order authorizing said sale, and prescribing the terms thereof, first taking from said guardian a sufficient bond for the faithful performance of his duty in the premises, and for accounting for the proceeds of all sales made under said order; provided, however, that the guardian shall not be authorized to sell the real estate, coal or fire-clay at private sale for less than its full appraised value; and if the ward have a husband or wife, such husband or wife shall be made a defendant to the petition, and if he or she file an answer consenting to the sale, free and discharged of all right and expectancy of dower therein, such answer shall, on the sale's being confirmed, be a full release of his or her expectancy of dower, and unless in such answer an allowance in lieu of dower be waived, the court shall allow, out of the proceeds of the sale, such sum in money as is the just and reasonable value of his or her expectancy of dower.

Petition, what to contain.

Husband or wife to be made defendant.

SECTION 2. Said section 6306 of the Revised Statutes be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

132G.

[House Bill No. 863.]

AN ACT

To provide for the payment of the expense of the court in civil actions where there is a change of venue.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That in all civil actions in which the venue is changed, the clerk of the county to which such action has been changed, shall upon the termination of such action in the court or courts of his county, make a full itemized bill of all costs and expenses of such action which shall have been paid out of the county treasury of the county to which such action shall have been changed, according to law, and the clerk shall certify such bill of costs and expense to the auditor of the county from which such action was sent and the auditor of the county in which such action was instituted shall draw his warrant upon the treasury of his county, payable to the treasurer of the county in which such trial shall have been conducted for the full amount of all such costs and expenses, certified as hereinbefore set forth.

Itemized bill of costs, etc., certified by clerk to auditor.

Provided, that where a jury is specially required or a special venire issued for the trial of such case such certified cost bill shall include all costs of summoning and impanelling, mileage and per diem of said jury together with all other costs and expenses of said trial legally paid out of the county treasury of the trial county, and in all cases where such trial is had during the continuance of a regular session of said court such bill shall include a fee of four dollars and fifty cents for impanelling such jury and the per diem of each jury for each and every day during the continuance of such trial, together with all other costs and expenses legally paid out of the county treasury for such trial.

Jury trial, cost bill in case of.

Impanelling Jury, fee $4.50.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

133G.

[House Bill No. 902.]

AN ACT

To amend section 3702*b* of the Revised Statutes, so that county commissioners may levy a tax of not to exceed one-tenth of one mill for the purpose of encouraging agricultural fairs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3702*b* of the Revised Statutes be amended so as to read as follows:

Sec. 3702*b*. When a county in this state that own real estate used as a site whereon to hold fairs, and when in any such county the county agricultural society has the control, ownership and management of the lands and buildings of such county, the county commissioners are authorized for the purpose of encouraging agricultural fairs, to annually levy taxes of not exceeding one-tenth of one mill upon all taxable property of the county, which sum shall be paid by the treasurer of the county to the treasurer of the agricultural society, upon an order from the county auditor duly issued therefor; and the county commissioners prior to the levy of any such tax, may, if they determine it to be for the best interest of the county and society, pay out of the treasury any sum out of the money in the general fund not otherwise appropriated, in anticipation of said levy.

Tax levy for encouraging fairs 1/10 of one mill.

SECTION 2. That said original section 3702*b* of the Revised Statutes be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

134G.

[House Bill No. 945.]

AN ACT

To amend section 2425 of the Revised Statutes providing for the supplying of water by one municipality to another.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2425 of the Revised Statutes be amended so as to read as follows:

Sec. 2425. Any city or village which has established or hereafter establishes water works, may enter into a contract with any other city or village for the supply of the latter with water, upon such terms as shall be mutually

One municipality may contract to furnish water to another municipality.

agreed upon by the councils of the respective municipal corporations; and any city or village which has water works is hereby authorized and empowered to dispose of any surplus water, for manufacturing or other purposes, by lease or otherwise, upon such terms as may be agreed upon by the board of trustees of the water works, or public works, and approved by the council of such city or village; and all moneys received for such water in either case, shall be applied to the payment of the principal and interest of the bonds issued for the construction of such water works, or other expenses incident to the maintenance of the water works; provided that no lease shall be made for a longer term than twenty years.

SECTION 2. That said original section 2425 be and the same is hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.
135G.

[House Bill No. 1020.]

AN ACT

To amend section 4215 of the Revised Statutes, as amended April 22, 1904, so as to provide for payment of losses of sheep killed by dogs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4215 of the Revised Statutes, as amended April 22, 1904, be so amended as to read as follows:

Detailed account, what to contain.

Sec. 4215. Any person damaged by the killing or injuring of sheep by dog or dogs, may present a detailed account of the injury done, with damages claimed therefor, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed and the nature and amount of the injury, and shall present the testimony of at least two freeholders where the injury was done who viewed the results of the killing or injuring and who can testify as to the number, kind, grade, and who may give their opinion as to the quality and as to the value thereof. The trustees shall receive any other information or testimony that will enable them to determine the value of the sheep killed or injured. In case the sheep killed or injured

are registered sheep, the registration papers shall be filed with the trustees showing the lines of breeding, age and other matters therein contained. In case the sheep killed or injured are lambs eligible to registry, the registry papers showing the lambs' breeding shall be filed with the trustees and the trustees shall allow the actual value of such sheep or lambs for breeding purposes, and may receive affidavits bearing on the subject, or any other means that will assist them in determining the true value thereof, and the trustees shall determine from all the testimony, affidavits or other means at their disposal the amount of the damage sustained; and the person owning said sheep or having charge of them shall also make it appear that such injury was not caused in whole or in part by any animal kept or harbored by him, or by employe or tenant of the owner upon such owner's premises, and that he does not know whose animal committed such injury, or if known and such account reduced to judgment, could not be collected on execution.

Registered sheep.

Damages, how determined.

And the witnesses in such case not exceeding four (4) shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any claimants or witnesses; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of same, such affidavit may be made by such employe or tenant, and testimony of such employe or tenant may be received in regard to all matters relating thereto, to which said owner would be competent to testify.

Witness fee.

Tenant, affidavit of.

The trustees shall hear such claims in the order of their filing and may allow the same or such parts thereof as the testimony shows to be right and just and they shall endorse thereon the amount allowed and transmit the same with the testimony so taken together with the fees due witnesses over their own official signatures to the county commissioners in care of the county auditor who shall enter upon the book to be kept for that purpose in their order, each claim received.

Record of auditor.

The county commissioners shall, at the next regular meeting, examine the same and may hear any additional testimony or receive any additional affidavits in regard to the said claim and may allow the amount determined by the township trustees or any part thereof or may allow any amount in addition to the allowance of the trustees that the commissioners find to be correct and just, to be paid out of the fund created by the per capita tax on dogs.

County commissioners, duty of.

And such claims as may have been allowed in whole or in part, shall be paid only at the June session of such commissioners; and provided, that if such fund is insufficient to pay all such claims in full, they shall be paid pro rata.

In the event there is not enough money in the fund in any year to pay the claims in full, the part of the claim allowed but unpaid by reason of lack of funds shall be paid in any year thereafter and whenever there is a surplus in

the fund remaining after the claims for any such year have been paid in full.

Blanks, how furnished.

All accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of state, and which blank shall be furnished by the county commissioners.

Appeal.

Any owner of sheep killed or injured who is not satisfied with a final allowance made by the commissioners as herein provided may within thirty days thereafter take an appeal from such finding to the probate court of the county by filing as party plaintiff a petition in such court setting out the facts in the case as contended for by the owner thereof and proceeding shall be had thereon as provided by law in civil cases and the county commissioners shall be made party defendant. The probate judge shall hear the same as in equity and shall determine the value of the sheep killed or injured, provided that not more than three witnesses shall be called by each party. The amount found by the court shall be final and the judge shall certify the amount found to the board of commissioners when the same proceedings shall be had as to payment thereof as if the amount had been found by the commissioners in the first instance.

Costs.

In case an increased allowance is made by the court the costs shall be paid equally by the parties, and in case no increase is made the party plaintiff shall pay all the costs. Provided, however, that no amount shall be allowed for any head of registered sheep or lamb eligible to registry, in excess of thirty dollars.

SECTION 2. That said original section 4215 of the Revised Statutes, as amended April 22, 1904, be and the same is hereby repealed, save and excepting however such repeal shall not apply in the cases of claims now filed under this section with the trustees of any township or to claims pending before any board of commissioners that have not been prosecuted to final settlement nor shall this repeal operate as to claims for injuries or killing sheep, which the owner thereof was entitled by law to file prior to the passage of this act under section 4215, Revised Statutes, as amended April 22nd, 1904. Such claims shall have all rights under said original section 4215 of the Revised Statutes, as amended April 22, 1904.

Cases now filed or pending; exceptions.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

136G.

[House Bill No. 1120.]

AN ACT

To abolish fraternities, sororities and other like societies among the pupils of the public schools of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. It shall be unlawful for any pupil of the public schools of the state of Ohio in any manner to organize, join or belong to any fraternity or sorority or other like societies composed or made up of pupils of the public schools.

Fraternity or sorority unlawful in schools.

SECTION 2. It shall be the duty of every teacher, principal or superintendent having knowledge or reason to believe that such fraternity, sorority or like society is being organized or maintained in any of the schools of the state, or that any of the pupils attending said schools are organizing or belonging to such fraternity, sorority or like society to advise immediately the president or secretary of the board of education in charge of such schools of such facts. Upon receipt of such notice, it shall be the duty of such board of education within thirty days after the receipt thereof, and after not less than ten days' written notice to the persons charged with violating this act, or to their parents or guardians, to investigate the charges therein contained, and if such board of education find the same to be correct and true, it shall be the duty of the secretary of such board to notify immediately, in writing, any and all pupils organizing, joining or belonging to such fraternity, sorority or like society to disband and discontinue the same and to withdraw therefrom within five days from the receipt of said notice.

Teachers, duties of.

Board of education, duty of.

And if within such time any pupil guilty of organizing, joining or belonging to any such fraternity, sorority or like society shall fail to obey said notice, said pupil shall have violated the rules of the school and be immediately suspended from the public schools of this state by the superintendent or principal in charge of the same in cities or districts having such superintendent or principal, or by the clerk of the board of education in villages, special and township districts not having such superintendent or principal, until such pupil shall comply with the order of the board.

Suspension of pupil.

SECTION 3. Any officer, teacher, principal, superintendent or other persons mentioned in this act, neglecting to perform any duty imposed upon him by this act, upon conviction thereof, shall be fined not less than ten dollars ($10.00) nor more than twenty five dollars ($25.00) for each offense.

Neglect to perform duty imposed.

Penalty.

SECTION 4. This act shall take effect and be in force from and after the first day of July, 1908.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
137G. *Governor.*

[House Bill No. 1184.]

AN ACT

To amend and supplement section 97 of the Municipal Code of 1902, in relation to the sale of municipal bonds.

Be it enacted by the General Assembly of the State of Ohio:

Municipal bonds, sale of regulated.

SECTION 1. That section 97 of the Municipal Code of 1902, be amended and supplemented as follows:

Sec. 97. Municipal bonds shall be sold in the manner herein provided. Whenever any municipal corporation issues its bonds, it shall first offer them at par and accrued interest to the trustees or commissioners, in their official capacity, of the sinking fund, or, in case there are no such trustees or commissioners, to the officer or officers of such corporation having charge of its debts, in their official capacity, and only after their refusal to take all or any of such bonds at par and interest, bona fide for and to be held for the benefit of such corporation, sinking fund or debt, shall such bonds, or as many of them as remain, be advertised for public sale. Provided, however, that if the trustees of the sinking fund of such city shall decline to take any or all of such bonds at par and accrued interest, the said municipal corporation shall then offer to such board of commissioners of the sinking fund of the city school district such bonds or so many of them, at par and accrued interest and without competitive bidding, as may not have been taken by said trustees of the sinking fund of the city, and the said board of commissioners of the sinking fund of such city school district is authorized to take such bonds, or any part thereof.

In no case shall the bonds of the corporation be sold for less than their par value; nor shall such bonds when so held for the benefit of such sinking fund or debts, be sold, except when necessary to meet the requirements of such fund or debt.

Highest and best bidder.

All sales of bonds, other than to the trustees of the sinking fund of the city or to the board of commissioners of the sinking fund of the city school district as herein authorized, by any municipal corporation, shall be to the highest and best bidder, after thirty days' notice in at least two newspapers of general circulation in the county where such municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such county by order of the council, provided, however, whenever any such bonds have been once so advertised and offered for public sale, and the same or any part thereof, remain unsold, then said bonds, or as many as remain unsold, may be sold at private sale at not less than their par value, under the direction of the mayor and the officers and agents of the corporation by whom said bonds have been, or shall be, prepared, advertised and offered at public sale; provided, further, that when it shall appear

to the trustees or council of any municipal corporation, to be for the best interest of such corporation to renew or refund any bonded indebtedness of such corporation which shall not have matured, and thereby reduce the rate of interest thereon, such trustees or council shall have authority to issue for that purpose new bonds, with semi-annual interest coupons attached, and to exchange the same with the holder or holders of such outstanding bonds, if such holder or holders shall consent to make such exchange and to such reduction of interest.

Renewing or refunding bonded indebtedness.

When new bonds are issued the same shall not in any case exceed in amount the outstanding bonded indebtedness to be renewed or refunded.

Sec. 97*a*. Municipal corporations may issue bonds and other obligations in such denominations as the council may determine and sell the same at popular subscription at a price of not less than par. Such bonds may be issued as registered or coupon bonds, or payable to bearer only, and provision may be made for the redemption, retirement or reissue of the same. All such bonds shall be first offered to such sinking fund trustees as is provided in section 97 of the Municipal Code of 1902, and shall be advertised and sold as provided in said section, setting forth the amount of bonds to be sold and the denomination in which they will be issued, with an invitation for tenders for all or part of such issue. Such advertisement shall state the time and place when tenders will be opened and the award made. All tenders shall be in sealed envelope and shall not be opened until the day and hour specified in the advertisement. At the time so specified the tenders shall be opened. When sold the bonds shall be distributed to bidders according to the following rules:

Advertisement, to state what.

Distribution of bonds.

First, those offering the highest premium for all or part of such bonds shall receive the amount requested by them.

Second, those offering the next highest premium shall receive the amount requested by them. This process shall be continued until all of the bonds have been disposed of. In alloting such bonds bidders for small quantities shall be given the preference. Provided, however, that the council may reject any and all bids.

SECTION 2. That said original section 97 of the Municipal Code of 1902 be and the same hereby is repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

138G.

[House Bill No. 1343.]

AN ACT

To amend sections 2 and 3 of an act entitled, "An act to provide for the relief of needy blind," passed April 2, 1908, to make the provisions thereof more definite and certain.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2 and 3 of an act entitled, "An act to provide for the relief of needy blind," passed April 2, 1908, be amended to read as follows:

Needy blind defined.

Sec. 2. A needy blind person shall be construed to mean any person of either sex who, by reason of loss of eyesight, is unable to provide himself with the necessities of life; who has not sufficient means of his own to maintain himself, and who, unless relieved as authorized by this act, would become a charge upon the public or upon those not required by law to support him.

Sec. 3. The judge of the probate court in each of said counties shall, within thirty days after the passage of this act on or before the third Monday of May appoint three persons, residents of such county, one to serve for three years, one to serve for two years, and one to serve for one year from the date of such appointment and each year thereafter one person to serve for three years. Such persons so appointed shall be known and designated as the "blind relief commission," and shall organize by electing one of their number as president and one of their number as secretary to serve until the next annual appointment of a member. The judge of the probate court may, for cause, remove any member of the commission, and shall fill all vacancies occurring thereon, whether by removal or otherwise, for the unexpired term.

Blind relief commission, appointment of.

SECTION 2. That said sections 2 and 3 of an act entitled, "An act to provide for the relief of needy blind," passed April 2, 1908, are hereby repealed.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 30, 1908.
Approved April 30, 1908.

ANDREW L. HARRIS,
Governor.

139G.

[Senate Bill No. 414.]

AN ACT

To amend sections 1, 3 and 5 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, and said section 3 of said act as amended April 22, 1890, April 20, 1904, and April 2, 1906, and supplementing said act as a whole by providing against the misbranding of food and drugs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 3 of an act entitled, "An act to provide against the adulteration of food and drugs," passed March 20, 1884, and section 3 of said act as amended April 22, 1890, April 20, 1904, and April 2, 1906, be so amended as to read as follows:

Sec. 1. That no person shall, within this state, manufacture for sale, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is adulterated, within the meaning of this act; that no person shall, within this state, offer for sale, sell, deliver or have in his possession with intent to sell or deliver any drug or article of food which is mis-branded, within the meaning of this act.

Adulteration and misbranding prohibited.

Sec. 3. An article shall be deemed to be adulterated within the meaning of this act:

Drugs, when deemed adulterated.

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality and purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol.

Food, drink, etc., when deemed adulterated.

(b) In the case of food, drink, flavoring extract, confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, in-

fected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, but is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol.

SECTION 2. That said original act, "To provide against adulteration of food and drugs" be supplemented by an additional section 3*a* as follows:

Sec. 3*a*. An article shall be deemed to be misbranded within the meaning of this act:

Drugs, when deemed misbranded.

(a) In the case of drugs: (1) If the package fails to bear a statement on the label of the quantity or proportion of any grain or ethyl alcohol, morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of any such substances contained therein, PROVIDED, that the provisions of this section shall not apply to the prescriptions of regularly licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, and which are sold under the name by which they are so recognized; (2) if the package containing it or any label thereon shall bear any statement, design or device regarding it or the ingredients or substances contained therein, which shall be false or misleading in any particular.

Food, drink, etc., when deemed misbranded.

(b) In the case of food, drink, flavoring extracts, confectionery or condiment: (1) If the package fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein; (2) if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; (3) if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package;

(4) in case of any flavoring extract, for which no standard exists, if the same is not labeled "artificial" or "imitation" and the formula printed in the same manner hereinafter provided for the labeling of "compounds" or "mixtures" and their formulae; (5) if the package containing it or any label thereon shall bear any statement, design or device regarding it or the ingredients or substances contained therein, which shall be false or misleading in any particular; PROVIDED, that the provision of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language as mixtures or compounds, with the name and percentage, in terms of 100 per cent., of each ingredient therein. The word "compound" or "mixture" shall be printed in letters and figures not smaller in either height or width than one-half the largest letter upon any label on the package and the formula shall be printed in letters and not smaller in either height or width than one-fourth the largest upon any label on the package and such compound or mixture must not contain any ingredient that is poisonous or injurious to health.

SECTION 3. That section 5 of said act entitled, "An act to provide against the adulteration of food and drugs," be so amended as to read as follows:

Penalty.

Sec. 5. Whoever refuses to comply, upon demand, with the requirements of section 4, and whoever violates any of the provisions of this act, shall be fined not exceeding one hundred nor less than twenty-five dollars, for the first offense, and for each subsequent offense shall be fined not exceeding two hundred dollars nor less than one hundred dollars, or imprisoned in the county jail not exceeding one hundred, nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be adjudged to pay in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.

Inspecting and analyzing, cost of.

SECTION 4. That original sections 1, 3 and 5 are hereby repealed.

SECTION 5. This act shall take effect and be in force on and after the first day of July, A. D. 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.

140G.

[Senate Bill No. 522.]

AN ACT

To further supplement section 3771 of the Revised Statutes, permitting universities and colleges organized as stock corporations to retire their stock.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3771 of the Revised Statutes be supplemented by additional sections with sectional numbers, as follows:

Surrender and cancellation of all outstanding shares required.

Sec. 3771*b*. The board of trustees of any university or college in this state organized as a stock corporation and not under ecclesiastical patronage, may, upon the surrender and cancellation of all outstanding shares of its capital stock, cause a certificate of that fact, sealed with the corporate seal and signed by the president and secretary of such board, to be filed in the office of the secretary of state, which certificate the secretary of state shall record for public use in the records of his office, and a certified copy of which he shall return to such board of trustees upon receipt of a fee of 20c. per 100 words, to be in no case less than $5.00. Thereupon such university or college shall continue its corporate existence as a corporation not for profit and with the same powers, duties, privileges and immunities as it previously had, save such as relate to its capital stock; and such board may by resolution conform the number, tenure and mode of election of its own members to the provisions of section 3771*a;* provided, however, that trustees not authorized to be elected by the alumni, shall be elected by such board; and provided further that the ex-officio membership on such board of the president of such college or university shall be optional with such board.

Sec. 3771*c*. When any such corporation seeking to avail itself of the provisions of the preceding section shall have procured the surrender for cancellation of not less than 60 per cent. of the outstanding shares of its capital stock, any residue thereof standing upon its books in the names of persons, partnerships, societies or corporations that for seven years or more have been deceased, dissolved or of unknown address, and non-participants in the corporate elections, and of whose shares aforesaid no known owner exists, may be

Cancellation by decree of court.

cancelled by decree of the court of common pleas of the county wherein said corporation is located, upon its petition, duly certified, being filed in said court, making such persons, partnerships, societies and corporations or their legal representatives parties defendant, and upon serving such defendants with public notice of the pendency of such petition in the manner provided for service by publication in civil actions, and upon averment and proof by the plaintiff and a finding by the court of the facts as hereinbefore required, and of the further fact that the plaintiff is an eleemosynary corporation; and thereupon the shares of such defendants

shall be deemed to be cancelled and surrendered, and such decree shall not thereafter be vacated or set aside, on the application of any such defendant, otherwise than as in the case of judgments in civil actions.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
141G.

[Senate Bill No. 565.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio, and the publication thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. At the general election to be held on the first Tuesday after the first Monday of November, 1908, the judges and clerks of election in each township, ward and precinct shall in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Constitutional amendments, return of vote.

SECTION 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against such proposed amendment or amendments to the constitution, shall be certified and made by the deputy supervisors of elections of each county to the state supervisor of elections, within ten days after such election; and within twenty days after such election the governor, secretary of state and attorney general shall open such returns, and count the votes, and ascertain whether or not a majority of the votes cast at such election have been cast for such proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at such election have been cast for such proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Return within ten days.

Proclamation by governor.

SECTION 3. The state supervisor of public printing shall cause the amendments to the constitution proposed by the present general assembly to be published once each week in not less than one newspaper of general circulation in each county of the state wherein a newspaper is published, once each week for six months and until the first Tuesday

Publication, each county.

after the first Monday of November, 1908, and in counties where newspapers of general circulation represent each of the two leading political parties, then such amendments shall be published in one newspaper of each said political party once each week for six months, and until such first Tuesday after the first Monday of November, 1908; and in counties having a German newspaper of general circulation, once a week in a German newspaper for such time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Charges for publication limited.

SECTION 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six of the Revised Statutes for legal advertising.

SECTION 5. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
142G.

[Senate Bill No. 591.]

AN ACT

To amend and supplement section 3726 of the Revised Statutes of Ohio, relating to the conferring of degrees by colleges and universities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3726 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3726. The trustees of a college, university, or other institution of learning incorporated for the purpose of promoting education, religion, morality, or the fine arts, which has acquired real or personal property of the value of twenty-five thousand dollars, and which has filed in the office of the secretary of state a schedule of the kind and value of such property, verified by the oaths of the trustees, may appoint a president, professors, and tutors, and any other necessary agents and officers, and fix the compensation of each, and may enact such by-laws not inconsistent with the laws of this state or the United States, for the government of the institution, and for conducting the affairs of the corporation, as they may deem necessary; and may, on the

Officers, when may be appointed.

recommendation of the faculty, confer all such degrees and honors as are conferred by colleges and universities of the United States, and such others having reference to the course of study, and the accomplishments of the student, as they may deem proper. Conferring of degrees.

Provided, that no college or university shall confer any degree until the president or board of trustees of such college or university shall have filed with the secretary of state a certificate issued by the state commissioner of common schools that the course of study of such institution of learning has been filed in his office, and that the equipment as to faculty and other facilities for carrying out the said course of study are proportioned to the property of such institution and the number of students in actual attendance so as to warrant the issuing of degrees by the trustees of said institution. Provided, further, that any chartered institution of learning failing to file with the secretary of state on or before June 1st, 1908, the certificate herein provided for shall forfeit its charter and the same shall be revoked by the said secretary of state. Certificate to be filed with secretary of state. Charter forfeited.

SECTION 2. That said section 3726 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.

143G.

[Senate Bill No. 605.]

AN ACT

To provide the mode of payment for bonds heretofore issued by public library boards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4 and 6 of an act "to provide for the erection and equipment of public library buildings," passed April 2d, 1906, be and the same are hereby amended so as to read as follows:

Sec. 4. There shall be created in each such taxing district, a board of trustees of the library sinking fund who shall have the control of all moneys and securities now existing for the payment of interest upon and for the redemption of bonds heretofore issued or issued under the authority of this act in such taxing district. Such board shall be composed of three (3) citizens thereof to be appointed by the court of common pleas in the county in which said public library is situated. The first appointment shall be one for the term of one year, one for the term of two years, and Board of trustees of library sinking fund created.

Vacancy.

one for the term of three years, and all trustees appointed thereafter shall serve for three years, except in case of vacancy, which shall be filled by said court for the unexpired term. And before any money shall be paid to such board under this act, if such board already exists, and before any person appointed as a member of such board hereafter coming into existence shall assume the duties of his office, each member of said board shall give bond to the state of Ohio in amount equal to two per cent. (2%) on the amount of the bonds issued by said board, with not less than two (2) sureties, to faithfully discharge his said duties.

Bond, amount of.

Rate of tax certified by trustees to library board.

Sec. 6. The trustees of such sinking fund shall, in the month of May in each year, and oftener if required, certify to the library board the rate of tax, not exceeding the limit herein provided, necessary to provide a sinking fund for the payment of all bonds issued by authority of law for library purposes in such taxing district together with the amount necessary to be levied to provide for the payment of interest thereon, and the library board shall levy the amount so certified, but said library board may increase the amount so reported, provided the total amount so levied does not exceed the limitation provided in this act.

SECTION 2. That sections 4 and 6 of an act "to provide for the erection and equipment of public library buildings," passed April 2d, 1906, are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
144G.

[Senate Bill No. 607.]

AN ACT

To repeal section 14 of the Revised Statutes of Ohio, relating to the payment of certain fees into the state treasury.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 14 of the Revised Statutes of Ohio, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
146G.

[House Bill No. 797.] ... before July first,

AN ACT ... by said cor- ... two good

To amend section 3934 of the Revised Statutes, authorizing boards of education of special school districts to provide for the transportation of pupils to schoool houses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3934 of the Revised Statutes, be amended so as to read as follows:

Sec. 3934. Boards of education of special school districts are authorized to provide for the conveyance of the pupils of said districts to the school or schools of the districts or to a school of any adjoining district, the expense of said conveyance to be paid from the school fund of the special school districts; provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one mile from the schoolhouse; transportation of pupils, in any event, being optional with the board of education.

Conveyance of pupils.

SECTION 2. That said section 3934 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
147G.

[House Bill No. 872.]

AN ACT

To empower the secretary of state to appoint an assistant secretary of state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The secretary of state shall have power to appoint an assistant secretary of state, whose appointment shall be made in writing under the seal of the secretary of state and entered on record in his office.

SECTION 2. In case of the absence or disability of the secretary of state, the assistant shall have power to perform the duties of the secretary of state, and his general duties shall be such as the secretary of state shall assign to him, including those now devolving upon the chief clerk.

Assistant secretary of state, powers and duties of.

SECTION 3. The assistant secretary of state shall receive a salary of three thousand dollars per annum, and be-

Salary.

Vacancy.

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Bond, amou
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id the sum of twenty-four hun-
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FREEMAN T. EAGLESON,
peaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

1, 1908.
May 1, 1908.

ANDREW L. HARRIS,
Governor.
148G.

[House Bill No. 984.]

AN ACT

To regulate the taking of deposits by certain persons, firms and corporations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. All corporations, firms and persons now or hereafter engaged in the selling of steamship or railroad tickets for transportation to or from foreign countries, or in the business of receiving deposits of money for the purpose of transmitting the same, or the equivalent thereof, to foreign countries, or in both of said businesses shall, before entering into any or both of said businesses, or before continuing any or both of said businesses, except as hereinafter provided, make, execute and deliver a bond to the state of Ohio in the sum of five thousand dollars, conditioned for the faithful holding and transmission of any money, or the equivalent thereof, which shall be delivered to it or them for transmission to a foreign country, or conditioned for the selling of genuine and valid steamship or railroad tickets for transportation to or from foreign countries, or conditioned for the performance of both of said obligations if engaged in both of said businesses, as the case may be. In the case of corporations, firms or persons now engaged in any of such busi-

Bond, $5,000.00.

nesses, the bond shall be delivered on or before July first, nineteen hundred and eight.

SECTION 2. Said bond shall be executed by said corporation, firm or persons as principal, with at least two good and sufficient sureties, who shall be responsible and owners of real estate within the state of Ohio. The bond shall not be accepted unless approved by the auditor of state, and upon such approval it shall be filed in his office. The bond of a surety company may be received, if approved as aforesaid, or cash may be accepted in lieu of surety.

Cash in lieu of surety.

The auditor of state shall furnish to said corporation, firm or person whose bond is approved as aforesaid, a certificate stating that said corporation, firm or person has complied with the provisions of this act for the regulation of the taking of deposits by certain persons, firms and corporations and for the regulating of the selling of steamship or railroad tickets for transportation to or from foreign countries. Said certificate shall be conspicuously displayed in the place of business of said corporation, firm or person so as to be easily seen.

Certificate of auditor.

Display of certificate.

SECTION 3. The auditor of state is hereby authorized to procure a book or books to be known as a "bond book," wherein he shall place in alphabetical order all bonds received by him as provided for by this act, the date of their receipt, the name or names of the principals with their names and place or places of residence, and place or places for transacting their business, and the names of the surety upon said bond, and the name of the officer before whom the bond was executed or acknowledged, and the record shall be open to public inspection. The auditor of state shall collect a fee of five dollars for each and every bond so filed in his office under the provisions of this act.

"Bond book."

Fee for filing bond.

SECTION 4. A suit to recover on a bond required to be filed under the provisions of this act may be brought by or upon the relation of any party aggrieved in a court of competent jurisdiction.

SECTION 5. Any corporation, firm or person entering into or continuing in any of the businesses aforesaid, contrary to the provisions of this act, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

Violation.

Penalty.

SECTION 6. This act shall not apply to drafts, money orders and traveler's checks issued by trans-Atlantic steamship companies or their duly authorized agents or to national banks, express companies, state banks or trust companies.

Exceptions.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
149G.

[House Bill No. 979.]

AN ACT

To amend section 3631*a* of the Revised Statutes excepting certain classes and associations from the provisions of section 3630*a* to 3631 of the Revised Statutes, relative to insurance companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3631*a* of the Revised Statutes be amended so as to read as follows:

Sec. 3631*a*. The provisions of sections 3630*a* to 3631 inclusive, shall not apply to any association of religious or secret societies or to any class of mechanics, express, telegraph or railroad employes, or ex-union soldiers, formed for the mutual benefit of the members thereof and their families or blood relatives exclusively or for purely charitable purposes; provided, that any such association or class which may desire to become subject to the provisions of sections 3630*a*, 3630*c* and 3630*d* of the Revised Statutes of Ohio, may file with the superintendent of insurance notice in writing of such desire, signed by the president of such association or class, and attested by the secretary thereof; and thereupon, such association or class shall become subject to all the terms and provisions of said sections 3630*a*, 3630*c* and 3630*d* of said Revised Statutes; the superintendent of insurance shall thereupon immediately provide such an association or class with proper blanks for furnishing the statement of the condition of such association or class, as provided in said section 3630*a*, and such association or class shall make such report within sixty days thereafter, and thenceforward, annually, as in case of other insurance companies, which report shall be included by said superintendent of insurance in his annual tabulated report, in the same manner as the reports of other companies and subject to the fees prescribed in section 282 of the Revised Statutes of Ohio; provided, further, that the treasurer of any association or class which shall avail itself of the benefits of this enactment shall be required to give bond in the same manner as provided in section 3631, Revised Statutes of Ohio, said bond to be conditional, approved and renewed, as provided in said section.

Mutual benefit societies.

Blanks, how furnished.

SECTION 2. That said section 3631*a* of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 22, 1908.
Approved May 4, 1908.

ANDREW L. HARRIS,
Governor.

150G.

[House Bill No. 833.]

AN ACT

Relating to the organization of banks and the inspection thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any number of persons, not less than five, a majority of whom are citizens of this state, may associate and become incorporated to establish a commercial bank, a savings bank, a safe deposit company, a trust company, or to establish a company having departments for two or more, or all of said classes of business, upon the terms and conditions, and subject to the limitations prescribed in this act. **Banks, incorporation of.**

SECTION 2. Such persons shall subscribe and acknowledge before an officer authorized to take acknowledgments of deeds, articles of incorporation, the form of which shall be prescribed by the secretary of state, which must contain: **Articles of incorporation, contents of.**

a. The name by which such corporation is to be known, which shall begin with the word "The" and end with word "bank" or "company;" **Name.**

b. The city, village, or township where its principal office is to be located, or where its principal business is to be transacted; **Location.**

c. The purpose for which it is formed, whether that of a commercial bank, savings bank, safe deposit company, trust company, or a combination of any two or more, or all, of said classes of business; **Purpose clause.**

d. The amount of its capital, which shall be divided into shares of one hundred dollars each; but the capital stock of a commercial bank shall not be less than twenty-five thousand dollars; of a savings bank, not less than twenty-five thousand dollars; of a commercial bank and savings bank, not less than twenty-five thousand dollars; of a safe deposit company, not less than twenty-five thousand dollars; of a commercial bank and safe deposit company, not less than twenty-five thousand dollars; of a savings bank, commercial bank and safe deposit company, not less than fifty thousand dollars; of a trust company, not less than one hundred thousand dollars; of a trust company and safe deposit company, not less than one hundred thousand dollars; of a trust company and savings bank, not less than one hundred thousand dollars; of a trust company, savings bank and safe deposit company, not less than one hundred and twenty-five thousand dollars; and of a trust company, savings bank, commercial bank and safe deposit company, not less than one hundred and twenty-five thousand dollars. **Capital, amount of.**

SECTION 3. The official character of the officer before whom the acknowledgment of articles of incorporation is made, shall be certified by the clerk of the court of common pleas of the county in which the acknowledgment is taken, and the articles shall be filed in the office of the secretary of state. The secretary of state shall, if the same are in con- **Certificate of clerk of courts.**

formity to law, record the same, and furnish one certified copy thereof to the incorporators of such corporation, and another certified copy to the superintendent of banks, to be by him filed in his office. The secretary of state, however, shall not in any case file or record any articles of incorporation in which the name of the corporation is such as is likely to mislead the public as to the character or purpose of the business authorized by its charter, or is the same as one already adopted or appropriated by an existing corporation of this state, or so similar to the name of such existing corporation as to be likely to mislead the public, unless the place of business of said company is to be located in a county other than the one in which the corporation bearing such similar name is then doing business, and the corporation so adopting such name shall add thereto the words "of..... ....." (indicating thereby the name of the city, village or township in which its principal place of business is situated.)

Certified copies furnished by secretary of state.

Name, duty of secretary of state as to.

Similar names, in case of, location to be a part of name.

A copy of such articles of incorporation, duly certified by the secretary of state, shall be prima facie evidence of the existence of such corporation; and all certificates thereafter filed in the office of the secretary of state relating to such corporation shall be recorded.

Articles, certified copy of, prima facie evidence.

SECTION 4. Upon such filing of the articles of incorporation, the persons who subscribe the same, their associates, successors, and assigns, by the name designated therein, shall become a body corporate with succession, and, as such, shall have power:

Powers, enumeration of.

a. To adopt and use a corporate seal, and to alter the same at pleasure.

b. To contract and be contracted with;

c. To sue and be sued;

d. To adopt regulations for the government of the corporation, not inconsistent with the constitution and laws of this state;

e. To do all needful acts, to carry into effect the objects for which it was created.

The regulations of the corporations may be adopted or changed by the assent thereto, in writing, of two-thirds of the stockholders, in number and amount or by a majority of the stockholders, in number and amount, at a meeting held for that purpose, notice of which has been given for that purpose by the president or secretary or any two directors personally or by written notice to each stockholder, or by publication, for thirty days, in some newspaper of general circulation in the county in which the corporation is located.

Regulations, how adopted or changed.

SECTION 5. The persons named in the articles of incorporation of any such company, or a majority of them, shall order books to be opened for subscription to the capital stock of the company in the manner provided for other corporations. An installment of ten per cent. on each share of stock shall be payable at the time of making the subscription, and an installment of forty per cent. on each share of

Opening of books for subscription.

stock shall be payable as soon thereafter as may be required by the board of directors, the remaining fifty per cent. being payable in the manner required by section 11 of this act.

SECTION 6. As soon as ten per cent. of the capital stock of such corporation has been subscribed, and paid in, the subscribers of the articles of incorporation, or a majority of them, shall so certify in writing to the secretary of state, and thereupon give notice to the stockholders, in the manner provided for other corporations, to meet for the purpose of choosing not less than five, nor more than thirty directors, who shall continue in office until the time fixed for the annual election, and until their successors are elected and qualified; provided, that in case all subscribers are present in person or by proxy, such notice may be waived in writing.

Certificate of subscription, when issued.

SECTION 7. At the time and place appointed, directors shall be chosen in the manner provided for other corporations.

Directors.

SECTION 8. Unless the regulations of the corporation otherwise provide, an annual election for directors shall be held on the second Wednesday of January of each year; if directors are, for any cause, not elected at the annual meeting, or other meeting called for that purpose, they may be chosen in a manner provided for other corporations.

Annual election.

SECTION 9. In all other respects, such corporation shall be created, organized, governed and conducted in the manner provided by law for other corporations in so far as the same is not inconsistent with the provisions of this act.

SECTION 10. No such corporation shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the superintendent of banks.

Authorization of superintendent of banks.

SECTION 11. The entire capital stock of such corporation shall be subscribed, and at least fifty per cent. thereof paid in before it shall be authorized to commence business, and the remainder of the capital stock of such corporation shall be paid in in monthly installments of at least ten per centum each on the whole amount of the capital, payable at the end of each succeeding month from the time it shall be authorized by the superintendent of banks to commence business; and the payment of each installment shall be certified under oath to the superintendent of banks by the president, secretary, treasurer or cashier of such corporation.

Monthly installments.

Installment certificate.

SECTION 12. Whenever any stockholder or his assigns fails to pay any installment on his stock, when the same is required by the preceding section to be paid or for thirty days thereafter the directors for such company may sell the stock of such delinquent stockholder at public sale for not less than the amount due thereon, including costs incurred, to the person who will pay the highest price therefor, having first given the delinquent stockholder twenty days' notice of such sale personally or if no personal notification can be given them, then by mail at his last known address as appears from the record of the corporation, and having advertised the same for a like period in a paper of general

Installment, failure to pay.

circulation within the county in which said corporation is located. If no bidder can be found who will pay for such stock the amount due thereon, with costs incurred, such stock shall be sold as the directors may order, within six months for not less than the amount then due thereon with all costs of sale.

SECTION 13. Upon any sale of stock, any surplus over the amount due thereon to such corporation, with interest and costs incurred, shall be paid over to the original stockholder, or his assigns.

SECTION 14. If the cancellation of the stock of any delinquent holder shall reduce the capital of the corporation below the minimum required by law, the capital of such corporation shall be increased by additional subscriptions, to the minimum required by law, within sixty days from the date of such cancellation; in default of which, a receiver may be applied for by the superintendent of banks, with the advice and consent of the attorney general, to close up the business of such corporation.

Receiver, application for by superintendent of banks.

SECTION 15. Whenever a certificate is transmitted to the superintendent of banks, signed by the president, secretary or treasurer of such corporation, notifying him that the entire capital stock of such corporation has been subscribed, and that fifty per cent. thereof has been duly paid in, and that such corporation has complied with all the provisions of this act required to be done before it shall be authorized to commence business, the superintendent of banks shall examine into the affairs of such corporation, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each director, the amount of capital stock of which each is the owner in good faith, and, whether such corporation has complied with all the provisions of law required to entitle it to engage in business.

Examination by superintendent of banks.

SECTION 16. If upon such examination the superintendent of banks finds that such corporation is lawfully entitled to commence business, he shall give to such corporation a certificate under his hand and official seal that it has complied with all the provisions required by law, and is authorized to commence business; but the superintendent of banks, with the advice and consent of the attorney general, may withhold such certificate whenever he has reason to believe that the stockholders have formed such corporation for any other purpose than the legitimate business contemplated by this act.

Certificate of superintendent of banks.

SECTION 17. The corporation shall cause the certificate authorizing it to commence business to be published in some newspaper printed in the city, village or county where the corporation is located, once a week for four successive weeks, or, if no newspaper is published in such county, then in a newspaper published at the nearest county seat.

Publication of certificate.

SECTION 18. Hereafter, all corporations incorporated as commercial banks, savings banks, savings societies, soci-

eties for savings, savings and loan associations, safe deposit companies, trust companies, and savings and trust companies, or a corporation having departments for two or more, or all of said classes of business, shall be incorporated and organized with a capital stock, and under the provisions of this act; and the secretary of state shall not file or record any article of incorporation for any such corporation, unless in accordance with this act.

Secretary of state, duty of, as to filing articles.

SECTION 19. The shares of stock of such corporation shall be deemed personal property, and shall be transferred on the books of the corporation in such manner as the regulations and by-laws of such corporation may direct.

Stock, transfer of.

SECTION 20. Any corporation doing business under the provisions of this act may increase its capital stock as provided for other corporations, and in case of such increase, the board of directors shall first offer such additional stock pro rata to all stockholders of record, at such price, not less than par, as they may deem best for the interest of such corporation. Any shares still remaining unsold may then be sold to any person or persons on the same or better terms.

Increase of capital stock.

SECTION 21. Any such corporation may reduce the amount of its capital stock in the manner provided for other corporations, provided however, that notice of such reduction shall be published in a newspaper of general circulation in the city, village or county, in which such corporation is doing business, but no reduction shall be made to an amount less than the minimum required for the amount of capital stock for such corporation, nor shall any such reduction be valid or warrant the cancellation of stock certificates until such reduction has been approved by the superintendent of banks; and no such approval shall be given except upon a finding by such superintendent that the security of existing creditors of such corporation will not be impaired.

Reduction of capital stock.

SECTION 22. The corporate powers, business and property of all corporations formed under this act must be exercised, conducted and controlled by the board of directors, which shall meet at least once each month. Such board shall consist of not less than five nor more than thirty directors, who shall be chosen by the stockholders, and hold office for one year and until their successors are elected and qualified.

Board of directors, monthly meeting of.

SECTION 23. The board of directors may appoint an executive committee to consist of at least three of its members, with such duties and powers as are defined by the regulations or by-laws and who shall serve until their successors are appointed. Such executive committee shall meet as often as may be required by the board of directors, which shall be not less frequently than once each month, and approve or disapprove all loans and investments and all loans and investments shall be made under such rules and regulations as shall be prescribed by the board of directors. Minutes shall be kept of the meetings of such executive committee, including records of loans and investments, to be submitted to the board of directors for approval at each

Executive committee, duties and powers of.

Minutes of executive committee.

meeting. The minutes and records of such executive committee shall be kept on file. No loan shall ever be made, directly or indirectly, to any officer, or member of the executive committee of any such corporation, unless duly authorized by a majority of the members of the board of directors, which authorization shall be recorded on the records of their proceedings, and all loans when so authorized and made to officers, or members of the executive committee shall be made and secured in the same manner as loans to other persons.

Elections.

SECTION 24. In all elections of directors, and in deciding all questions at meetings of stockholders, each stockholder shall be entitled to one vote for each share of stock held by him, and any stockholder may vote by proxy duly authorized in writing.

Directors, regulations as to.

SECTION 25. Every director must be the owner and holder of at least five shares of stock in his own name and right, unpledged and unincumbered in any way, and at least three-fourths of the directors must be residents of this state.

Oath of director.

SECTION 26. Every director shall take and subscribe an oath that he will diligently and honestly perform his duties in such office, and will not knowingly violate, or permit to be violated, any provisions of this act, and that he is the owner in good faith of the number of shares of stock of the company required to qualify him for such office, standing in his own name, on the books of such company.

Vacancy, how filled.

SECTION 27. Any vacancy in the board of directors may be filled by the board for the unexpired term.

Bond of officers.

SECTION 28. The officers of such corporation shall, before entering upon the discharge of their duties, give bond to the corporation in the amount required by the directors and with surety to be approved by them, for their fidelity and good conduct and for the safe keeping and proper application of the funds of the corporation. and of such sums of money and other property as may be placed in their charge; and the directors may require an increase of the amount of such bonds whenever they deem it necessary. The directors as such shall not be required to give bond.

Dividend, declaring of.

SECTION 29. The board of directors of any such corporation may declare a dividend of so much of the net profits of the company, after providing for all expenses, losses, interest and taxes accrued or due, as they shall deem expedient; but before any such dividend is declared, not less than one-tenth of the net profits of the company for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund until such surplus fund shall amount to twenty per cent. of its capital stock.

Surplus fund.

Annual examination.

SECTION 30. A committee of at least two directors or stockholders shall be appointed annually by the board of directors to thoroughly examine, or to superintend the examination of, the assets and liabilities of the corporation, and to report to the board of directors the result of such

examination; and a copy thereof attested and verified under oath by the signatures of a majority of such committee shall forthwith be filed with the superintendent of banks.

Certified checks.

SECTION 31. Whenever a check drawn on any such corporation is certified by any officer or employe of such corporation, the amount thereof shall be immediately charged against the account of the person, firm or corporation drawing the same.

Unlawful to certify check if money not on deposit.

SECTION 32. It shall be unlawful for any officer or employe of such corporation to certify any check drawn upon such corporation, unless the person, firm or corporation drawing the check has on deposit with the corporation at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check; but any check so certified by any duly authorized officer shall be a good and valid obligation against such corporation.

Violation.

SECTION 33. Any officer or employe of any such corporation who shall willfully violate the provisions of sections 31 or 32 of this act, or shall resort to any device, or receive any fictitious obligations, directly or indirectly, in order to evade the provisions hereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the corporation shall be fined not more than five thousand dollars, or shall be imprisoned in the penitentiary not more than five years nor less than one year, or both.

Penalty.

Stock, how assigned or transferred.

SECTION 34. The stockholders of such corporation shall have power to provide and determine, as they may see fit, the conditions upon which the shares of stock of said corporation shall be assignable and transferable, and said shares of stock of said corporation shall be assignable and transferable only according to such rules and regulations and upon such conditions as the stockholders shall for that purpose make and establish.

Book to be kept, what to contain.

A book shall be provided and kept by every such corporation, in which shall be entered the name and residence of each stockholder, the number of shares held by each, the time when each person became such stockholder, also all transfers of stock, stating the time when made, the number of shares and by whom transferred, which book shall be subject to the inspection of the directors, officers and stockholders of the corporation at all times during the usual hours of transacting business.

Banks heretofore incorporated.

SECTION 35. All banks, savings banks, savings societies, societies for savings, savings and loan associations, safe deposit companies, trust companies, savings and trust companies and combinations of any two or more of such corporations, heretofore incorporated under any law of this state, may continue their business and the exercise of the powers they now have without prejudice to any rights acquired under the acts under which they were incorporated; and there shall

be saved to all such associations and corporations all the rights, privileges and powers heretofore conferred upon them.

Separate books for each class of business.

Any corporation formed to combine two or more classes of business under this act, shall keep separate books of accounts for each class of business; provided, that all receipts, investments and transactions relating to each of such classes of business shall be governed by the provisions and restrictions herein specifically provided for such classes of business.

Banks heretofore organized, how to become governed by this act.

SECTION 36. All banks, savings banks, savings societies, societies for savings, savings and loan associations, safe deposit companies, trust companies, savings and trust companies, and combinations of any two or more of such corporations, heretofore incorporated in this state and having paid in the amount of capital stock required by this act to enable them to commence business may, if they so elect, avail themselves of the privileges and powers conferred by this act, by signifying such election and declaration under their seal, attested by the signature of the president and secretary, to the secretary of state and the superintendent of banks, and the secretary of state shall record the same, and his certificate shall be evidence thereof; and when such election and declaration is so recorded, it shall confer all the privileges and powers conferred by this act, and from that time such association or corporation shall be governed by the provisions of this act. But such election and declaration shall be made only when authorized by a vote of at least two-thirds of the capital stock at a meeting of stockholders, thirty days' notice of which meeting, and of the business to come before it, has been given by a majority of the directors in a newspaper published and of general circulation in the county where such association or corporation has its principal place of business.

All banks to be governed by this act after April 1, 1910.

Provided that after April 1, 1910, every such corporation or association shall in all respects conform their business and transactions to the provisions of this act.

Whenever any such corporation which shall have adopted the provisions of this act, or whenever any corporation hereafter incorporated, desires to enlarge the objects or purposes for which it was formed, so as to combine one or more of the different classes of business herein authorized with that for which it is already incorporated, or desires to diminish the objects or purposes for which it was formed, or desires to modify such objects in any other respect, it may do so by amendments to its articles of incorporation in the manner provided for other corporations.

Amendments.

Investments heretofore made.

SECTION 37. Nothing in this act shall be so construed as to affect the legality of investments heretofore made, or of transactions heretofore had, but the superintendent of banks may require the change of investments for those named in this act, as the same can be done by the sale or redemption of the securities so invested in, in such manner as to prevent loss or injury to the bank; and no renewal or ex-

tension of any such loan or investment shall be made by any such corporation unless the same be approved by the superintendent of banks.

SECTION 38. It shall be unlawful for any commercial bank, savings bank, safe deposit company, trust company, or combination of any two or more of such incorporations, or any other corporation governed by the provisions of this act, to advertise, by newspaper, letter head, or in any other way, a larger capital than has been actually paid in; any such corporation which shall violate the provisions of this section shall forfeit and pay to the state of Ohio the sum of five hundred dollars for each and every such offense, to be recovered with costs of suit in an action, to be prosecuted by the superintendent of banks, before any court of competent jurisdiction in the county wherein such corporation is located. All such sums of money collected for penalties under this section shall be paid into the state treasury, to the credit of the banking department fund. And two or more violations of the provisions of this section may be joined in the same prosecution.

Advertisement to state actual cash paid in.

Violation.

Penalty.

SECTION 39. Any corporation organized under this act, may go into liquidation and be closed by the vote of its stockholders owning two-thirds of its stock in number and amount. Whenever a vote is taken to go into liquidation, the board of directors shall cause notice of such fact to be certified under the seal of the corporation, by its president and secretary, treasurer or cashier, to the superintendent of banks, and publication thereof to be made for a period of four weeks in a newspaper published in the city, village or county in which such corporation is located, that the corporation is closing up its affairs, and notifying creditors to present their claims against the corporation for payment.

Liquidation, vote as to.

SECTION 40. A corporation which is in good faith winding up its business for the purpose of consolidating with some other corporation, may transfer its assets and liabilities to the corporation with which it is in process of consolidation; but no such consolidation shall in any way affect the rights of any of the creditors in the collection of their claims against such corporations or either of them.

Consolidation, transfer of assets, etc.

SECTION 41. On becoming satisfied that any corporation has refused to pay its depositors in accordance with the terms on which such deposits were received (if received under the provisions of this act), or that any such corporation has become otherwise insolvent, or that its capital has been impaired for a period of ninety days, the superintendent of banks may forthwith apply to the common pleas court of the county where such corporation is located for the appointment of a receiver for such corporation. The superintendent of banks shall not apply for a receiver for any such corporation which was incorporated under the laws of this state and transacting business at the time of the passage of this act for failure to comply with the provisions of this act as to transactions made prior to the passage of this act, or re-

Receiver, appointment of.

newals or settlements and adjustments of such transactions where the examinations provided for in this act disclose, or any such corporation shows to the satisfaction of such superintendent that the interests of its depositors, creditors and stockholders will not be endangered by permitting it to continue to transact its regular business.

Notice of appointment of receiver, advertisement of.

SECTION 42. Notice of the appointment of such receiver shall be given by advertisement in some newspaper published in the city, village or county where such corporation is located, for six consecutive weeks, calling upon all persons who may have claims against such corporation to present the same to such receiver, and make legal proof thereof.

Ratable dividends by receiver.

SECTION 43. The receiver shall, from time to time, under the direction of the court, make ratable dividends of the money realized or collected by him on all such claims as may be allowed by order of the court, and the remainder of the proceeds, if any, after the costs and expenses of such proceedings and all debts and obligations of the corporation are satisfied, shall be paid over to the stockholders of the corporation, or their legal representatives or assigns, in proportion to the stock by them respectively held.

SECTION 44. Every officer, employe, agent or director of any corporation incorporated and doing business as a commercial bank, savings bank, savings society, society for savings, savings and loan association, savings and trust company, safe deposit company or trust company, and every other corporation or association, except building and loan associations, having power to receive and receiving money on deposit, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, credits, or property of the corporation, whether owned by it or held in trust, or who issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the corporation, or who fictitiously borrows, or solicits, obtains or receives any money for such corporation, not in good faith intended to be and which is not the property of such corporation, with the intent in any such case to defraud or injure such corporation or any other corporation or person, or to deceive any officer of such corporation or any agent appointed to examine the affairs of such corporation, or publishes any false statement or report relating to the financial condition of such corporation with intent to defraud or injure the same or any other corporation or person, shall be imprisoned in the penitentiary not more than thirty years or fined not exceeding ten thousand dollars, or both.

Violations enumerated.

Penalty.

Consolidation, manner of.

SECTION 45. Any corporation doing business under this act may consolidate with another corporation, also doing business under this act, in the manner provided for the consolidation of savings and loan associations and safe de-

posit and trust companies, by act passed May 10, 1902 (95 O. L., 531), entitled, "An act to authorize the consolidation of savings and loan associations with safe deposit and trust companies in certain cases."

SECTION 46. A commercial bank may purchase, lease, hold and convey real estate only as follows: Real estate.

a. Real estate whereon is erected or may be erected a building or buildings useful for the convenient transaction of its business, and from portions of which, not required for its use, a revenue may be derived; but the cost of such building or buildings and the real estate whereon the same are erected shall in no case exceed sixty per cent. of its paid-in capital and surplus; Building for transaction of its business.

b. Such as shall be mortgaged or conveyed to it in good faith by way of security for loans made by or money due to such corporation; Security for loans.

c. Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by it, or on judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts; but all such real property referred to in this paragraph shall be sold by such corporation within five years after the same shall be vested in it, unless upon application by the board of directors, the superintendent of banks shall extend the time within which such sale shall be made; Sales upon foreclosure, purchased at.

d. Such corporation shall also have power to acquire by lease a suitable building for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived. Building, by lease, for transaction of its business.

SECTION 47. Any bank doing business as a commercial bank shall not lend, including overdrafts, to any one person, firm or corporation, more than twenty per cent. of its paid-in capital and surplus, unless such loan be secured by first mortgage upon improved farm property in a sum not to exceed sixty per cent. of the value of such property. The total liabilities, including overdrafts, of any person, company, corporation, or firm to any bank, either as principal debtor or as security or indorser for others, for money borrowed, shall at no time exceed twenty per cent. of the paid-in capital stock and surplus of such bank. But the discount of bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person, company, corporation or firm negotiating the same, shall not be considered as money borrowed. Loan to one person limited. Discount, not borrowed money, in certain cases.

The deposits of funds in any bank or trust company, not duly designated as a depository by the board of directors as hereinafter provided, shall be held to be loan within the meaning of this section.

SECTION 48. Loans by a commercial bank upon mortgage or other forms of real estate security, shall be made only upon the adoption of a general resolution by a two-thirds vote of the board of directors, stating to what extent General resolution as to real estate.

its officers may loan on real estate; but the aggregate amount of such loans shall not exceed fifty per cent. of the capital, surplus and deposits of such corporation; but where a bank combines the business of a commercial and savings bank, it may lend up to sixty per cent. of its capital stock, surplus and deposits upon real estate security, upon the adoption of a general resolution authorizing the same by a vote of two-thirds of the board of directors. Loans made upon real estate shall be upon real estate, situated in the state of Ohio, or in states immediately adjacent thereto and shall not exceed inclusive of prior incumbrances forty per cent. of the value of said real estate, if unimproved, and if said real estate is improved sixty per cent. of the value of said real estate, and the improvements shall be kept adequately insured.

Insurance upon improvements.

Power of commercial bank enumerated.

SECTION 49. A commercial bank shall have power to receive deposits on which interest may be allowed. All deposits in such banks shall be payable on demand without notice, except when the contract of deposit otherwise provides. A commercial bank shall also have power to loan money on personal security, to discount, buy, sell or assign promissory notes, drafts, bills of exchange, and other evidences of debt, and to buy and sell exchange, coin and bullion.

SECTION 50. Subject to the provisions of the preceding section, commercial banks shall also have power to invest their capital surplus and deposits in, or loan the same upon, the following:

a. Personal or collateral securities;

b. Bonds or other interest bearing obligations of the United States, or in those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia; also in bonds or other interest bearing obligations of any foreign government;

c. Bonds, or interest bearing obligations of this or any other state of the United States;

Municipal bonds.

d. The legally issued bonds or interest bearing obligations of any city, village, hamlet, county, township, school district, or other district, or political subdivision of this or any other state or territory of the United States and of Canada;

Mortgage bonds.

e. Mortgage bonds or collateral trust bonds of any regularly incorporated company, which has paid, for at least four years, dividends at the rate of at least four per cent. on their capital stock, but such loan shall not exceed eighty per centum of the market or actual value of such bonds, the purchase of which bonds has been first authorized by the directors; but the superintendent of banks may order that any such securities which he may deem undesirable shall be sold within six months.

Notes secured by mortgage.

f. Notes secured by mortgage on real estate, where the amount loaned thereon does not exceed, inclusive of

prior incumbrances, forty per cent. of the value of the real estate if unimproved, and if improved sixty per cent. of the value of the real estate, including improvements, which shall be kept adequately insured; but not more than fifty per centum of the amount of the paid-in capital, surplus and deposits of such bank shall at any time be invested in such real estate securities.

Reserve fund.

SECTION 51. Commercial banks shall keep as a reserve at least fifteen per cent. of their total deposits, at least six per cent. of that part of said deposits which is payable on demand, and at least four per cent. of that part of such deposits which are time deposits shall be kept in the vaults of the bank in lawful money, national bank notes or bills, notes, and gold and silver certificates issued by the United States, and that part of said reserve not kept in the vaults of the bank shall be kept, subject to demand in other banks or trust companies, to be designated by resolution by the board of directors for that purpose, and a copy of such resolution shall, upon its adoption, be forthwith certified to the superintendent of banks.

Reserve fund, restoring of.

SECTION 52. Whenever the reserve of any commercial bank shall fall below the amount required by the preceding section, such bank shall not make any new loans or discounts, otherwise than by discounting or purchasing bills of exchange, payable at sight or on demand, nor make any dividends of its profits, until the reserve required by law is restored; and the superintendent of banks shall notify any bank whose reserve shall fall below the amount required to immediately make good such reserve, and in case the bank shall fail for thirty days thereafter to make good its reserve, the superintendent may, with the concurrence of the attorney general, institute proceedings for the appointment of a receiver to wind up the business of the bank.

Receiver, when proceedings to be instituted for.

Bank may purchase own stock, when.

SECTION 53. No commercial bank, savings bank, safe deposit company or trust company shall loan money on the security or pledge of the shares of its capital stock; nor shall such corporation be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale on thirty days' notice from the superintendent of banks, and in default thereof a receiver may be appointed to close up the business of the bank.

Savings banks.

SECTION 54. A savings bank may purchase, lease, hold and convey real estate for the purposes and in the manner provided by section 46 of this act relating to commercial banks, subject to the restrictions and limitations contained in said section.

Savings banks.

SECTION 55. Any savings bank may receive on deposit any sum of money that may be offered for that purpose by any person, firm, society or corporation, or by any

municipal corporation, township, school district, county or state, or by any other body politic, or that may be ordered to be deposited by any court of this state or any other state, or of the United States, having custody of money, and make investments thereof in the manner provided in this act, and may credit and pay such rates of interest thereon as may be agreed upon.

Rates of interest.

Savings banks, reserve fund.

SECTION 56. Savings banks shall keep as a reserve the same percentage of their deposits as are required of commercial banks, and shall be subject to the same restrictions as to such reserve, provided that one-half of such reserve required to be kept in the vaults of the bank may be invested in securities enumerated in paragraphs *b* and *c* of section 50 of this act and the bonds of any city or county within this state; but where the reserve of any savings bank required to be kept in the vaults of the bank shall be in excess of five hundred thousand dollars, the amount in excess thereof may be invested in bonds or other interests bearing obligations of the United States.

Reserve fund, disposition of, when exceeding $500,000.00.

Savings banks, investments of.

SECTION 57. A savings bank may invest the residue of its funds in, or loan money on, discount, buy, sell or assign promissory notes, drafts, bills of exchange and other evidences of debt and may invest their capital, surplus and deposits in and buy and sell the following:

Securities.

a. The securities mentioned in paragraphs *a, b, c, d, e* and *f* of section 50 of this act relating to commercial banks, subject to the limitations and restrictions contained in said paragraphs, except that savings banks may loan not more than seventy-five per cent. of the amount of the paid-in capital, surplus and deposits on notes secured by mortgage on real estate; provided that all loans made upon personal security shall be upon notes with two or more signers or one or more indorsers, payable and to be paid at a time not exceeding six months from the date thereof, and in the aggregate not exceeding 30 per cent. of the capital, surplus and deposits of such savings bank shall be so invested.

Stocks having paid dividends for five consecutive years.

b. Stocks, which have paid dividends for five consecutive years next prior to the investment, bonds and promissory notes of corporations, when the same are authorized by an affirmative vote of a majority of the board of directors or by the executive committee of such savings bank; but no purchase or investment shall be made in the stock of any other corporation organized or doing business under the provisions of this act; but the superintendent of banks may order that any such securities which he may deem undesirable shall be sold within six months.

Sale of undesirable paper.

Promissory notes.

c. Promissory notes of individuals, firms or corporations, when secured by a sufficient pledge of collateral approved by the directors, subject to the provisions of section 47 of this act.

SECTION 58. Whenever the reserve of any savings bank shall fall below the amount required, such savings bank shall be governed by the provisions of section 52 of this act relating to commercial banks.

SECTION 59. The board of directors shall prescribe the terms on which deposits shall be received and paid out, and the mode of transacting, managing and conducting the affairs and business of the bank.

Pass book, contents of.

SECTION 60. A pass book shall be issued to each depositor in the savings department, containing the rules and regulations adopted by the board of directors governing such deposits, in which book shall be entered each deposit made, the interest allowed thereon, and each payment made to each depositor, and the depositor by accepting such book shall thereby assent and agree to the rules and regulations therein contained.

Checks, payment of.

SECTION 61. No payment or check against any savings bank account shall be made or paid unless accompanied by and entered in the pass book issued therefor, except for good cause and on assurance satisfactory to the officers of the bank; but nothing in this act shall prevent savings banks issuing time certificates of deposit or certificates for deposit specially issued according to the rules and regulations governing savings deposits.

Time certificates.

Minor, provision as to.

SECTION 62. Whenever an account is opened in any savings bank by a minor such account shall be payable to such minor and payment to him shall be in all respects as valid as if he were of legal age.

Total liability of any one person, limited.

SECTION 63. The total liabilities including overdrafts, of any person, company, corporation or firm to any savings bank, either as principal debtor or as security or indorser for others, for money borrowed, shall at no time exceed twenty per cent. of the paid-up capital and surplus of such corporation. But the discount of bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person, company, corporation or firm negotiating the same shall not be considered as money borrowed.

Investment in any one stock or loan limited.

SECTION 64. Not more than twenty per cent. of the capital and surplus of any corporation doing business under this act shall be invested in any one stock security or loan unless it be in bonds or other interest bearing obligations enumerated in paragraphs *b*, *c* and *d* of section 50 of this act, or in a building and vaults.

Safe deposit company.

SECTION 65. A safe deposit company may purchase, lease, hold and convey real estate whereon is erected or may be erected a building or buildings useful for the convenient transaction of its business, including fire and burglar proof vaults or safes, and from portions of which, not required for its own use, a revenue may be derived; but the cost of such building or buildings and the real estate whereon the same are erected shall in no case exceed fifty per cent. of the paid-up capital and surplus of such corporation. Any sum not so invested in buildings and real estate may be invested in the manner provided herein for the investment of the funds of savings banks.

Burglar proof vaults.

Investment of funds.

A safe deposit company shall also have power to re-

ceive property of every kind for safe keeping, and to collect and disburse the interest or income or principal of any securities upon such terms as may be agreed upon.

Agent, power to act as.

Such corporations shall also have power to act as agent, for the purpose of registering, countersigning or transferring the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, upon such terms as may be agreed upon.

Trust company; real estate.

SECTION 66. A trust company may purchase, lease, hold and convey real estate, exclusive of trust property, for the purpose and in the manner provided by section 46 of this act relating to commercial banks, subject to the restrictions and limitations contained in said section.

Powers.

SECTION 67. Trust companies shall have the same powers in the acceptance and execution of trusts which are now conferred upon them by statute.

Order of court, etc.

SECTION 68. Any court in this state, including probate courts, may by order, decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any action or legal proceedings, or which may be brought into court by reason of any order, judgment or decree in equity or otherwise, to be deposited with such trust company as may be by such court designated upon such terms and subject to such restrictions as may be deemed expedient.

Capital and all property liable.

SECTION 69. The capital of such corporation shall, with all its property and effects, be absolutely liable in case of any default whatever in any of the trust positions aforesaid, and the probate court, or any other court committing a trust to the custody of such corporation, may, at any time it deems proper, require additional security in any amount necessary. Provided, however, that no such corporation either foreign or domestic shall accept any trusts which may be vested in, transferred or committed to it by any individual, or by any court, until the paid in capital of such corporation shall be not less than one hundred thousand dollars, and until such corporation shall have deposited with the treasurer of state $50,000.00 provided its capital is $200,000.00 or less, and $100,000.00, provided its capital is more than $200,000.00, such deposit to be in cash; provided the full amount of such deposit so to be made by any such corporation may be made in bonds of the United States or of the state of Ohio, or of any municipality or county within said state, or in any other state, or in the first mortgage bonds of any railroad corporation that for five years last past has paid dividends of at least three per cent. on its common stock. The treasurer of state shall hold such fund or securities deposited with him as security for the faithful performance of all the trusts assumed by such corporation, but so long as any such corporation shall continue solvent said treasurer shall permit it to collect the interest on its securities so deposited. The treasurer of state

Additional security.

Deposits with treasurer of state.

Treasurer of state, duties as to securities in his hands.

shall from time to time permit withdrawals of such securities or cash, or any part thereof, on the deposit with him of cash, or other securities of the kind heretofore named, so as to maintain the value of said deposit as hereinbefore provided.

No such corporation either foreign or domestic authorized to accept and execute trusts shall either directly or indirectly through any officer, agent or employee of such corporation, certify to any bond, note or other obligation to evidence debt, secured by any trust, deed or mortgage upon, or accept any trust concerning property located wholly or in part in this state without complying with the provisions of this section, and any trust, deed or mortgage given or taken in violation of the provisions of this act shall be null and void.

Trust, deed or mortgage, null and void when.

SECTION 70. All moneys or properties received on deposit or received in trust by such corporation, unless by the terms of the trust some other mode of investment is prescribed, together with the capital and surplus of such corporation, excepting such as is required to be kept as a reserve, shall be invested in or loaned upon only the following:

Funds, how invested.

a. The securities mentioned in paragraphs *b, c, d, e,* and *f* of section 50 of this act, relating to commercial banks, subject to the limitations and restrictions contained in said paragraphs, except that trust companies shall not loan more than sixty per cent. of the amount of their paid-in capital, surplus and deposits on notes secured by mortgage on real estate;

Securities.

b. Stocks, which have paid dividends for five consecutive years next prior to the investment, and bonds of corporations when the same are authorized by the affirmative vote of the majority of the board of directors or of the executive committee of such trust company; but the superintendent of banks may order that any such securities which he may deem undesirable shall be sold within six months;

Stocks.

c. Promissory notes of individuals, firms, or corporations, when secured by a sufficient pledge of collateral, approved by the directors, subject to the provisions of section 47 of this act.

Promissory notes.

All moneys or properties received in trust by such company, unless by the terms of the trust some other mode of investment is prescribed, together with the capital and surplus of such corporation, may also be invested in ground rents, when authorized by a vote of the board of directors.

Ground rents.

Not more than twenty per cent. of the capital and surplus of any such corporation shall be invested in any one security or loan unless it be in bonds or other interest bearing obligations enumerated in paragraphs *b, c* and *d* of section 50 of this act, or in providing a building and vaults.

Investment in any one security or loan limited.

SECTION 71. No investment in notes secured by mort-

Real estate.

gage on real estate shall be made by such corporation except upon the approval of the board of directors.

Loans, secured by bonds, stocks or mortgage.

SECTION 72. No trust company shall lend any part of its capital or surplus unless such loan be secured by bonds or stocks as collateral in which such corporation is allowed to invest its capital, or by mortgage on real estate, where the amount loaned inclusive of prior incumbrances thereon does not exceed sixty per cent. of the value of the real estate, including improvements, which shall be kept adequately insured, and no such corporation shall lend to any one person, firm, association or corporation more than twenty per cent. of its paid-in capital and surplus.

Maximum loan to one person, firm, etc.

SECTION 73. All money or property held in trust shall constitute a deposit in the trust department, and the accounts and investments thereof shall be kept separate and such investments or loans shall be especially appropriated to the security and payment of all such deposits, and not be subject to any other liabilities of such corporation, and for the purpose of securing the observance of this proviso, such corporation shall have a trust department in which all business pertaining to such trust property shall be kept separate and distinct from its general business.

Trust department.

Papers, who may sign.

SECTION 74. In all proceedings connected with any authority exercised under this act, all accounts, and other papers may be signed and sworn to in behalf of such corporation by any officer thereof duly authorized by it; and the answers and examination under oath, of such officer, shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of said corporation to answer and attend said examinations in the same manner as if they, instead of such corporation, were parties to the proceedings or inquiry.

Order of court.

Reserve not applicable to trust funds.

SECTION 75. Trust companies shall keep the same reserve as is required of savings banks, but they shall not be required to keep a reserve on trust funds. Whenever the reserve of any trust company shall fall below the amount required, such trust company shall be governed by the provisions of section 52 of this act, relating to commercial banks. The provisions of this section shall not apply to money or property held in trust.

General trust fund of corporation.

SECTION 76. In the management of money and property held by it as trustee, under the powers conferred in the foregoing sections, such trust company may invest the same in a general trust fund of the corporation; provided, that the authority making the appointment may direct, upon the conferring of the same, whether such money and property shall be held separately or invested in a general trust fund of the corporation; and, provided, also, that such corporation shall always be bound to follow and be entirely governed by all directions contained in any instrument under which it may act. No money, property or securities received or held by such corporation under this act, establishing a trust department, shall be mingled with the in-

vestments of the capital stock or other moneys or property belonging to such corporation, or be liable for debts or obligations thereof.

Trust department separate and not liable for debts of other departments.

SECTION 77. Any judge of the court in which any such corporation is acting in such trust capacity, may, if he deem it necessary, or upon the written application of any party interested in the estate which such corporation holds in any trust capacity, at any time, appoint a suitable person or persons, who shall investigate the affairs and management of such corporation concerning said trust and make sworn report to such court of such investigation; the expense of such investigation shall be taxed as costs against the party asking for such examination, the trust fund or such corporation as the court may decree; and any such court may, at any time, examine any officer or officers of such corporation, under oath or affirmation, as to the corporation's trust matters in such court, or as to its finances and management while considering its appointment in any such capacity; and such court may, for any cause, applicable to natural persons in the same capacity, order that such corporation shall forthwith settle its trust in said court.

Investigation; report to court.

Settlement ordered by court.

SUPERINTENDENT OF BANKS.

SECTION 78. A superintendent of banks shall be appointed, within sixty days after the passage of this act, by the governor by and with the advice and consent of the senate. If the senate be not in session at the time the first appointment is made under this act, such appointment shall be made as provided by law in cases of vacancies. Such superintendent of banks shall hold his office for a term of four years or until his successor is appointed and qualified, and may be removed by the governor at any time.

Superintendent of banks, appointment of.

Term of office.

SECTION 79. The superintendent of banks is charged with the execution of the law in relation to banking companies, savings banks, savings societies, societies for savings, savings and loan associations, savings and trust companies, safe deposit companies and trust companies, and every other corporation or association having the power to receive, and receiving, money on deposit, now existing and chartered or incorporated, or which may hereafter become incorporated under the laws of this state: provided, however, that nothing in this act contained shall apply to building and loan associations.

Execution of the law by superintendent of banks.

SECTION 80. No bank or banking institution incorporated under the laws of any other state, shall be permitted to receive deposits or transact any banking business of any kind in this state, except to lend money.

Foreign banking institutions to transact no banking business, except to lend money.

SECTION 81. The superintendent of banks may employ from time to time, by and with the consent and approval of the governor, such clerks and examiners to assist him in the discharge of the several duties imposed upon

Clerks and examiners, appointment of.

him by this act, as he shall find necessary, and any of such clerks and examiners may be removed by the superintendent of banks, with the approval of the governor.

Salary of superintendent of banks; clerks; examiners.

SECTION 82. The salary of the superintendent shall be five thousand dollars per annum, and the salaries of such clerks and examiners as may be employed under this act shall be at such rate per annum as the superintendent shall fix, with the consent of the governor.

Salaries, when paid.

SECTION 83. The salary of the superintendent shall be paid at the same time as the heads of other state departments, and that of the clerks and examiners shall be paid monthly by the state treasurer, upon warrant of the state auditor. Vouchers for the salaries of the examiners and clerks must be first approved by the superintendent.

Traveling expenses itemized.

SECTION 84. All actual and necessary traveling expenses of such superintendent, the clerks and examiners, incurred in the discharge of their duty under this act, shall be fully itemized upon proper vouchers, approved by the superintendent, and countersigned by the auditor of state, and paid by the state treasurer, monthly, upon the warrant of the state auditor.

Bond of superintendent of banks; of examiners.

SECTION 85. The superintendent of banks shall give bond to the state in the penal sum of fifty thousand dollars and the examiners in the sum of ten thousand dollars each with surety to be approved by the governor, conditioned for the faithful discharge of their duties.

Oath, where filed.

SECTION 86. Within fifteen days from the notice of his appointment the superintendent shall take and subscribe the oath of office prescribed by law, which oath of office shall be subscribed upon his bond and be filed with the treasurer of state.

SECTION 87. Neither the superintendent of banks, nor the examiners appointed by him, shall be interested directly or indirectly, in any national banking association, or in any bank or other corporation or association under their supervision, or be engaged in the business of banking.

Seal of superintendent of banks.

SECTION 88. The seal of the superintendent of banks shall be one and three-fourths inches in diameter, shall have engraved thereon the coat of arms of the state, and shall be surrounded by the words: "The superintendent of banks of the state of Ohio."

SECTION 89. Every certificate or other instrument executed or order made by the superintendent of banks in pursuance of any authority conferred upon him by law, and sealed with the seal of his office, or copies thereof duly authenticated under such seal, shall be received in evidence in all courts of this state.

Evidence, certified copy to be.

Where office of superintendent of banks to be located.

SECTION 90. There shall be assigned to the superintendent of banks by the proper authority, suitable rooms in the state house or elsewhere in the city of Columbus for conducting the business of his office.

SECTION 91. Every banking company, savings bank, savings and loan association, savings and trust company,

safe deposit and trust company, society for savings, savings society, and every other corporation or association except building and loan associations, having the power to receive, and receiving money on deposit, now existing and chartered or incorporated, or which may hereafter become incorporated shall be subject to the provisions of this act, provided that no such corporation or association having a less capital stock than the minimum amount provided in section 2, hereof, shall be required to increase its capital stock in order to conform to the provisions of that section, but no such association or corporation, may avail itself of any of the privileges or powers conferred by this act until it has complied with the provisions of section 36 of this act, and no corporation, or association, shall be required to comply with the provisions of sections 1 to 77 inclusive of this act before April 1st, 1910, but every such corporation and association, shall be subject to the inspection, examination and supervision of the superintendent of banks, as provided in this act. The books and records, except books and records of deposits and of trusts, of every corporation, society or association operating under the provisions of this act, shall, at all reasonable times be open to the inspection of every stockholder.

Sections 1 to 77 to be complied with by April 1st, 1910.

Records to be open to every stockholder.

SECTION 92. All expenses incurred by the superintendent of banks, in performance of the duties imposed upon him by this act, including the salary of such superintendent, his assistant, clerks and examiners, shall be paid out of funds to be appropriated therefor, except that in cases where any corporation, company, society or association shall make request of the superintendent for a special examination under the provisions of this act, the expense of such examination shall be paid by the corporation, company, society or association making the request.

Expenses, how paid.

SECTION 93. When requested in writing upon the authority of the board of directors or the stockholders of any banking institution to make an examination of said bank the superintendent of banks shall, if in his opinion such examination is desirable, make or cause to be made an examination into the affairs and conditions of such banking institution.

Request for examination, duty of superintendent of banks.

SECTION 94. The moneys received by the superintendent of banks for special examinations shall be deposited and paid by him into the state treasury, to the credit of the banking department fund, to re-imburse all sums advanced from the treasury for such expenses.

Special examinations, money received for, where deposited.

SECTION 95. Neither the superintendent of the banking department, nor any examiner, clerk, or person employed in his office, shall take or receive, directly or indirectly, any compensation or pay for any services or extra services rendered in the banking department, other than the compensation allowed by law.

Compensation, restriction as to.

SECTION 96. The superintendent of banks, or any examiner appointed for that purpose, shall thoroughly ex-

Examinations twice each year.

amine, at least twice each year, in the presence of the members of the executive committee or a majority of the same, the cash, bills, collaterals or securities, books of account and affairs of each bank, savings bank, safe deposit and trust company, savings and loan society or association heretofore incorporated and now doing business, or hereafter incorporated under this act, and also when requested by the board of directors or trustees thereof, and for that purpose they may administer oaths to and may examine any of the officers, agents, clerks, customers, depositors or shareholders of any such corporation, company, association or society, touching its affairs and business. He shall also ascertain if any such corporation, company, society or association is conducting its business in the manner prescribed by law, and at the place designated in its articles of incorporation.

Oaths, who may administer.

Summons may be served by superintendent of banks upon officers, agents, etc.

SECTION 97. The superintendent of banks may summon in writing under his seal, any such officers, agents, clerks, customers, depositors, shareholders or any person resident of the state, to appear before him and testify in relation to the same, and if the party so summoned shall neglect or fail to appear at the time and place specified in such summons, or having appeared, shall refuse to be sworn, or shall refuse to answer any pertinent and legal question, he shall forfeit the sum of one hundred dollars, to be sued for and recovered with costs by the superintendent of banks in the name of his office, and to be paid into the state treasury to the credit of the banking fund.

Forfeiture.

SECTION 98. Where any person summoned to appear before the superintendent of banks and give testimony under the provisions of this act, shall neglect or refuse to answer any pertinent or legal question that may be put to him by the superintendent touching the matter under examination, the superintendent shall apply to the probate court or court of insolvency of the county in which such inquiry is conducted, to issue a subpœna to such person to appear before him; and on the application of the superintendent, the probate judge or judge of the court of insolvency shall issue a subpœna for the appearance of such person or persons forthwith before him to give testimony; and if any person so subpœnaed shall fail to appear, or, appearing, shall refuse to testify, he shall be subject to like proceedings and penalties for contempt as witnesses in actions pending in the probate court or court of insolvency.

Subpoena, application for.

Contempt.

Duty of officers as to inspection.

SECTION 99. It shall be the duty of the officers of any such corporation, company, society or association to submit its books, papers and concerns to the inspection and examination of the superintendent of banks, or any examiner duly appointed, and on refusal to do so or to be examined on oath touching the affairs of such corporation, company, society or association, the superintendent may, institute proceedings in the common pleas court of the county in which the business is transacted, for the appointment of

a receiver for such corporation, company, society or association, to wind up its business.

Receiver may be applied for, when.

SECTION 100. Whenever it shall appear from the report of any such corporation, company, society or association, or the superintendent shall have reason to believe that its capital is impaired or reduced below the amount required by law, the superintendent of banks shall examine such corporation, company, society or association, and ascertain the facts, and in case he finds such impairment or reduction of capital, he shall require such corporation, company, society or association to make good the definciency so appearing.

Deficiency to be made good.

SECTION 101. If any such corporation, company, society or association shall refuse or fail after written notice to make good the deficiency so appearing or found to exist, the superintendent of banks may institute proceedings for the appointment of a receiver of such corporation, company, society or association.

SECTION 102. All suits and proceedings brought by the superintendent of banks to enforce the provisions of this act, or to collect any penalty or forfeiture, shall be brought in the name of the state of Ohio upon his relation, and shall be conducted under the direction and supervision of the attorney general.

Suits to be brought in name of the State of Ohio.

SECTION 103. Copies of all records and papers in the office of the superintendent of banks, certified by him, and authenticated by his seal of office, shall be evidence in all cases equally and with like effect as the original.

Certified copies evidence.

SECTION 104. The examinations required to be made by the superintendent of banks under the provisions of this act, shall be made without previous notice to the corporation, company, society or association to be examined.

Examinations without notice.

SECTION 105. When an examination is made at the special instance and request of any such corporation, company, society or association, the expense incurred and the services performed shall be paid by the one examined, and the charges collected shall be paid into the state treasury by the superintendent of banks to the credit of the banking fund.

Special examination, expenses, how paid.

SECTION 106. The superintendent of banks, every clerk in his employment, and the examiners, shall be bound by oath to keep secret all the facts and information obtained in the course of such examination, except in so far as the public duty of such officer requires him to report upon or take official action regarding the affairs of such corporation, society or association. Any person guilty of a violation of the provisions of this section, or of wilfully making any false official report as to the condition of any such corporation, society or association, shall, upon conviction, be removed from office and be fined not more than five hundred dollars or be imprisoned in the penitentiary for not less than one year nor more than five years or both and such person and his bondsmen shall be civilly liable to the

Oaths of superintendent of banks, clerks and examiners as to secrecy.

Violation.

Penalty.

person, persons or corporation injured by the disclosure of such secrets for the amount of his, their or its damage.

SECTION 107. No person in the employ of the superintendent of banks as clerk, examiner, or otherwise, shall be appointed receiver of any corporation, society or association that is subject to examination under the provisions of this act.

SECTION 108. Every banking company, savings bank, savings and trust company, safe deposit and trust company, society for savings or savings society, now chartered or incorporated, or which may hereafter be incorporated under any law of this state, and every person or co-partnership doing a banking business shall make to the superintendent of banks not less than four reports during each calendar year, at such times as the superintendent shall require the same according to the forms he shall prescribe and furnish, and so far as possible such reports shall be made the same day on which reports are required for national banking associations by the comptroller of the currency.

Reports, four each year.

Reports, how verified.

SECTIO 109. Such reports shall be verified by the oath or affirmation of the president, vice-president, cashier, secretary or treasurer thereof, and shall exhibit in detail, and under appropriate heads, a true statement of the resources, assets and liabilities of such banking company, savings bank, society or association above named, at the close of business of any past day by him specified, and such day shall be the same for all corporations required to make such reports.

SECTION 110. Such reports shall be transmitted to the superintendent within ten days after the receipt of the request therefor from him; and shall be published in a newspaper in the city, town or county where such company is located, and if there be none such, then in a newspaper of general circulation in an adjoining county; and a copy of such publication shall be furnished to the superintendent of banks.

Publication of reports.

Special reports.

SECTION 111. The superintendent of banks may call for special reports whenever in his judgment the same are necessary to inform him fully of the conditions of such companies, societies and corporations and such special reports shall be verified as provided for in section 109 of this act.

Failure to make reports, etc.

SECTION 112. Every company, society, or association failing to make and transmit to the superintendent of banks any of the reports required by this act, or failing to publish the reports as required in section 110 of this act, shall forthwith be notified by the superintendent, and if such failure to make and transmit or publish such report shall continue for ten days after receipt of such notice, then such delinquent company, society or association shall be subject to a penalty of one hundred dollars for each day after the time required for making such report, and in case of delay or refusal to pay such penalty herein imposed for the failure

Penalty.

to make and transmit a report, the superintendent shall maintain an action in the name of the state of Ohio upon his relation against the delinquent company, society or association, for the recovery of such penalty, and all sums collected by such action or paid as such penalty, shall be paid into the state treasury to the credit of the banking fund.

Recovery of penalty.

SECTION 113. Within sixty days from the date of the taking effect of this act, every company, society or association subject to inspection, examination and supervision by the superintendent of banks, as provided by section 91 of this act, shall transmit to or file with the superintendent of banks a certified copy of its article of incorporation or charter.

Charter, certified copy of, when to be filed with superintendent of banks.

SECTION 114. At the end of each fiscal year, the superintendent of banks shall make an annual report to the governor, which report shall exhibit:

Annual report of superintendent of banks.

a. A summary of the state and condition of every incorporated bank, savings bank, savings and trust company, safe deposit and trust company, society for savings, savings society or other corporation included within this act, from which reports have been received during the year, with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, the total amount of means and resources, separating the reports of the various kinds of corporations, and specifying the amount of lawful money held by them at the time of their several returns, and such other information in relation to such banks, societies and associations as in his judgment may be required;

b. A statement of the banks, societies or associations whose business has been closed during the year, the amount of their resources and liabilities, and the amount paid to the creditors thereof;

Banks, etc., closed during year.

c. The names and compensation of the clerks or examiners employed or appointed by him, and the whole amount of the expenses of the banking department during the year;

Expenses of banking department.

d. The amount of fees and charges received from such banks, societies and associations, and penalties collected and paid into the state treasury.

Fees received.

SECTION 115. Such reports shall be printed in like manner and the expense therefor paid as provided by law for the publication of the reports of state officers, and sufficient copies shall be printed to supply each corporation, society or association examined with one copy, and also three copies for each member of the general assembly.

Reports to be printed, number of.

SECTION 116. No person connected with or serving any commercial bank, savings bank, safety deposit company, trust company, or any combination of two or more such classes of business shall, at any time, receive, and no officer of any such corporation shall permit any employe to receive any money, checks, drafts or other property as a deposit, in such com-

Insolvency, provisions as to.

mercial bank, savings bank, trust company, safety deposit company, or any combination of two or more such classes of business, when he has a knowledge that such commercial bank, savings bank, safety deposit company, trust company, or any combination of two or more such classes of business is insolvent. Any person violating this section of this act shall be punished by a fine of not more than five thousand dollars, or be imprisoned in the penitentiary not more than five years, or both.

Violation.

Penalty.

SECTION 117. Whenever in this act it is provided that the superintendent of banks may apply to any court for the appointment of a receiver, for any corporation doing business under the provisions of this act, such court may, upon proof of the facts authorizing the making of such application, appoint a receiver for such corporation, subject otherwise to the provisions of sections 5588 to 5592 inclusive of the Revised Statutes relating to the appointment and powers of receivers.

Receiver, appointment of.

SECTION 118. Nothing in this act contained shall be construed to apply to or affect building and loan associations.

SECTION 119. That the act of January 27, 1816 (14 v. 10), entitled, "An act to prohibit the issuing and circulation of unauthorized bank paper";

The act of March 12, 1845 (43 v. 121), entitled "An act to prohibit unauthorized banking, and the circulation of unauthorized bank paper";

The act of May 3, 1861 (58 v. 114), entitled "An act to prohibit the circulation of the notes of non-specie paying banks";

The act of January 22, 1846 (44 v. 13), entitled "An act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper";

The act of March 2, 1846 (44 v. 116), entitled "An act to amend the act entitled 'An act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper, passed January twenty-second, one thousand eight hundred and forty-six'";

The act of April 5, 1866 (63 v. 136), entitled "An act to suppress the circulation of counterfeit, worthless, broken and altered bank notes in the state of Ohio";

The act of April 9, 1856 (53 v. 157), entitled, "An act to authorize banking companies to hold real estate";

The act of April 5, 1859 (56 v. 171), entitled "An act further to prevent the taking of usurious interest on the part of banks, and to prevent confession of judgments on warrants of attorney in favor of banks";

The act of March 12, 1845 (43 v. 88), entitled "An act to declare the rights of banks incorporated by government other than the state of Ohio to sue in the courts of this state";

The act of March 8, 1845 (43 v. 67), entitled "An act

to regulate judicial proceedings where banks and bankers are parties";

The act of January 25, 1851 (49 v. 22), entitled "An act to amend the act entitled 'An act to regulate the practice of judicial courts'";

The act of March 24, 1851 (49 v. 86), entitled "An act to provide for the distribution of the assets of expired banking companies";

The act of April 2, 1859 (56 v. 117), entitled "An act authorizing the examination of banking corporations in certain cases";

The act of March 14, 1859 (56 v. 43), entitled "An act supplementary to an act entitled 'An act to incorporate the state bank of Ohio and other banking companies,' passed February 24, 1845";

The act of May 1, 1854 (52 v. 133), entitled "An act supplementary to an act entitled 'An act to prohibit unauthorized banking and the circulation of unauthorized bank paper,' passed March 12, 1845";

The act of April 5, 1859 (56 v. 162), entitled "An act to provide more effectually for the safe keeping of the securities deposited by banks, and for the redemption of their notes";

The act of March 15, 1875 (72 v. 54), entitled "An act supplementary to an act entitled 'An act to amend the forty-fifth section of the act entitled 'An act to incorporate the state bank of Ohio, and other banking companies,' passed April 14, 1857 (S. & C. 56); and to 'An act to amend an act entitled 'An act to authorize free banking,' passed March 16, 1865";

The act of February 24, 1845 (43 v. 24), entitled "An act to incorporate the state bank of Ohio and other banking companies";

The act of January 6, 1846 (44 v. 8), entitled "An act supplementary to an act to incorporate the state bank of Ohio, and other banking companies";

The act of February 24, 1848 (46 v. 91), entitled "An act in relation to the state bank of Ohio and other banking companies";

The act of March 8, 1850 (48 v. 88), entitled "An act to amend the act entitled 'An act to incorporate the state bank of Ohio, and other banking companies,' passed February 24, 1845";

The act of March 22, 1851 (49 v. 110), entitled "An act to amend the act to incorporate the state bank of Ohio, and other banking companies";

The act of April 14, 1857 (54 v. 121), entitled "An act to amend the forty-fifth section of the act entitled 'An act to incorporate the state bank of Ohio and other banking companies,' passed February 24, 1845";

The act of April 8, 1857 (54 v. 93), entitled "An act to prevent the circulation of counterfeit bank notes";

The act of April 23, 1904 (97 v. 267), entitled "An act to amend sections 3817 and 3818 of the Revised Stat-

utes of Ohio relative to state banks making report to the auditor of state";

The act passed April 15, 1890 (87 v. 208), entitled "An act to amend section 14 of an act entitled, 'An act to authorize free banking,' passed March 21, 1851.

Sections 3797, 3798, 3806*a*, 3806*b*, 3810, 3816, 3819, 3820 and 3821 of the Revised Statutes of Ohio, and all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

SECTION 120. Nothing in this act contained repealing any act for the regulation or conduct of banking, shall be construed to relieve any person from punishment for any acts heretofore committed violating said act or acts nor effect in any manner any existing indictment or prosecution by reason of such repeal; and for that purpose such act or acts shall continue in full force and effect notwithstanding such repeal.

Existing indictment or prosecution not affected.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 5, 1908.

ANDREW L. HARRIS,
Governor.
151G.

[Senate Bill No. 467.]

AN ACT

To establish a bureau of vital statistics and to provide for the prompt and permanent registration of all births and deaths occurring within the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Secretary of state, duty of.

SECTION 1. That it shall be the duty of the secretary of state to have charge of the state system of registration of births and deaths as hereinafter provided; he shall prescribe methods and prepare necessary forms and blanks for obtaining and preserving such records, and for the proper registration of the same in all cities, villages and townships, and in the central bureau of vital statistics to be maintained at the capital of the state, and he shall be charged with the thorough and uniform enforcement of this act throughout the state, and shall from time to time recommend such additional legislation as may be necessary for this purpose; and no system for the registration of births and deaths shall be continued or maintained in any of the several municipalities of this state in conflict with any of the provisions of this act.

Central bureau of vital statistics to be maintained, where.

SECTION 2. The secretary of state shall have general supervision over the central bureau of vital statistics which

he is hereby authorized to establish, and which shall be under the immediate direction of the state registrar of vital statistics, to be appointed by the secretary of state within thirty days after the taking effect of this act, and who shall be a registered physician and a competent vital statistician. The term of appointment of the state registrar of vital statistics shall be for four years, provided that this be so arranged that the term of office shall always expire on the last day of December of any year, and any vacancy occurring in the office of the state registrar of vital statistics shall be filled by appointment by the secretary of state. The state registrar of vital statistics shall receive an annual salary of two thousand dollars. The secretary of state shall provide for such clerical and other assistance as may be necessary for properly carrying out the provisions of this act.

State registrar, appointment of; term of office.

Salary of state registrar.

SECTION 3. For the purpose of this act the state shall be divided into registration districts as follows: Each city, village, and township shall constitute a primary registration district.

Registration districts.

Provided that the state registrar may combine two or more of said primary registration districts into one primary registration district.

Registrars designated.

SECTION 4. In villages the village clerk shall be the registrar, in cities the clerk of the board of health shall be the registrar and in townships the township clerk shall be the township registrar, but they shall be subject to all the rules and regulations of the state registrar, and to all of the provisions and penalties of this act. The local registrar of each city, village, and township shall appoint a deputy, to be approved by the state registrar, whose duty it shall be to act instead of the local registrar in case of his absence, illness or disability, who shall accept such appointment in writing and who shall be subject to all rules, regulations and provisions governing the actions of local registrars. And when it may appear necessary for the convenience of the people in any township, the township registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as sub-registrars, within such portions of the townships as may be designated by the state registrar, and such registrars shall have the same powers and duties within their respective jurisdictions, as local registrars, and be subject to the same supervision and control of the state registrar, and each sub-registrar shall note, over his signature the date on which each certificate was filed, and forward all certificates to the registrar of his township within ten days, and in all cases before the third day of the following month. And any local or sub-registrar who fails or neglects to efficiently discharge the duties of his office as laid down in this act shall be forthwith removed from office by the secretary of state, in addition to other penalties that may be imposed under other sections of this act.

Deputy registrars, appointment of.

Sub-registrars.

Removal from office.

SECTION 5. The body of any person whose death oc-

curs in the state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the local registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided: Provided, That when a dead body is transported by common carrier into a registration district in Ohio for burial, then the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside of the state of Ohio, shall be accepted by the local registrar of the district, into which the body has been transported for burial or other disposition, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but he shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; but a burial permit shall not be required from the local registrar of the district in which interment is to be made, when a body is removed from one district in Ohio to another district in the state, for purpose of burial or other disposition, either by common carrier, hearse, or other conveyance; and no local registrar shall, as such, require from undertakers or persons acting as undertakers any fee for the privilege of burying dead bodies.

Burial permit, etc.

Death occurring outside of state of Ohio, provisions as to.

Stillborn children.

SECTION 6. Stillborn children or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and in no case by a midwife; and shall state the cause of death as "stillborn," with the cause of stillbirth, if known; whether a premature birth; and, if born prematurely, the period of uterogestation, in months if known; and a burial or removal permit in usual form shall be required; and stillbirths occurring without attendance of a physician, shall be treated as deaths without medical attendance, as provided for in section eight of this act.

Certificate of death, to contain what.

SECTION 7. The certificate of death shall contain the following items:

(1) Place of death; including state, county, township, village or city. If in a village or city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race; as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition; as single, married, widowed, or divorced.

(6) Date of birth, including the year, month and day.

(7) Age.

(8) Place of birth, state or foreign country.

(9) Name of father.

(10) Birthplace of father, state or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother, state or foreign country.

(13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month and day.

(16) Statement of medical attendance on decedent; fact and time of death, including the time last seen alive.

(17) Cause of death, including the primary cause, as well as the contributory causes or complications, if any, and duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence; length of time at place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed, and registered number.

Informant's signature.

The personal and statistical particulars (items one to thirteen) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

Undertaker's signature.

The statement of facts relating to the disposition of the body, shall be signed by the undertaker, or person acting as such.

Physician's signature and duties.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, as well as the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms as defined by the state registrar, indicating only symptoms of disease, or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing only such terms shall be returned to the physician for

correction and definition. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in case of deaths in hospitals, institutions, or away from home, the attending physician shall furnish the information required under this head (item nineteen), and shall state where, in his opinion, the disease was contracted.

Death without medical attendance.

SECTION 8. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit: Provided, that when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: Provided, further, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification; and any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death; and, if from external causes or violence, whether (probably) accidental, suicidal or homicidal; and shall, in either case, furnish such information as may be required by the state registrar to properly classify the death.

Coroner, when case referred to.

Undertaker, responsibility of.

SECTION 9. The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death, and other particulars necessary to complete the record, as specified in section eight. He shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, who shall then issue a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or other person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the transit permit, containing the registrar's removal permit, to the box containing the corpse, when the same is to be shipped by any transportation company, which permit shall accompany the

Burial permit, delivery to sexton.

corpse to its destination, and, if the same be within the state of Ohio, it shall be delivered to the sexton or other person in charge of the place of burial.

SECTION 10. If the interment, or other disposition of the body, is to be made within the state, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased; stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar.

Sexton, duty of.

SECTION 11. No sexton, or person in charge of any premises in which interments are made, shall inter, or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or transit permit, as herein provided. And each sexton, or person in charge of any burial ground, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district, within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker; which record shall at all times be open to public inspection.

Births.

SECTION 12. All births that occur in the state shall be immediately registered in the districts in which they occur, as hereinafter provided.

Certificate of birth to be filed by physician or midwife.

SECTION 13. It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder or owner of the premises, manager or superintendent of public or private institutions in which the birth occurred, to notify the local registrar, within ten days after the birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

Certificate of birth, to contain what.

SECTION 14. The certificate of birth shall contain the following items:

(1) Place of birth; including state, county, township, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the

date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father, except in the case of illegitimate births.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of the father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother, in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

(19) Certificate of attending physician or midwife as to attendance at birth; including statement of year, month, day, and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, or other competent person, whose duty it shall be to notify the local registrar of such a birth, as required by section thirteen of this act.

(20) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided.

Certificates to be written in ink.

All certificates, either of birth or death, shall be written legibly, in unfading ink; and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.

Supplemental report, special blank for.

SECTION 15. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parent of the child, a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

SECTION 16. Every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation, with the local registrar of the district in which he or she resides or may hereafter establish a resi-

dence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the state registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the state registrar.

Returns to state registrar.

Free registration.

SECTION 17. The state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, connected with any case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the state registrar in person, by mail, or through the local registrar. He shall, further, arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered; the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

Blanks, how supplied.

Certificates to be preserved.

SECTION 18. It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold isuing the burial or removal permit until they are corrected. If the certificate of death is properly executed, and complete, he shall then issue a burial or removal permit to the undertaker: Provided, That in case

Local registrar, duty of as to blank forms, etc.

the death occurs from some disease that is held by the state board of health to be infectious, contagious, or communicable, and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the state board of health. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items, if they can be obtained. He shall then number consecutively the certificates of birth and of death, in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar. And he shall, on the fifth day of each month, transmit to the state registrar all original certificates of death registered by him during the preceding month. And he shall, on the tenth day of each month, transmit to the state registrar all original certificates of birth registered by him during the preceding month. And if no deaths or births occur in any month, he shall, on the fifth and tenth day of the following month, report that fact to the state registrar, on a card provided for this purpose.

Monthly transmission of certificates.

Compensation of registrars.

SECTION 19. Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied, and duly returned by him to the state registrar as required by this act: Provided, that in cities, in which the city clerk, health officer, or other official acting as local registrar, receives a fixed salary, in lieu of fees, he shall be entitled to five cents for each birth and each death certificate properly and completely made out, registered with him, and correctly copied, and duly returned by him to the state registrar as required by this act. And in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report, to that effect, promptly made in accordance with this act. All amounts payable to registrars under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the state registrar. And the state registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the name of the local registrars, and the amounts due each at the rates fixed herein.

Certified copies, fee for.

SECTION 20. The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this act, for

making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer on or before the fifteenth day of each month, and he shall give a bond satisfactory to the secretary of state in the sum of ten thousand dollars: Provided, that in cities certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid into the treasury of said cities for the use of the board of health.

Neglect or refusal of physician.

SECTION 21. If any physician, who was in medical attendance upon any deceased person at the time of death, shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. And if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.

Penalty.

False certificate by physician.

Penalty.

Certificate of birth, neglect or refusal to file.

And any physician or midwife, in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

Penalty.

Burial without permit.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars.

Penalty.

Neglect or failure to perform duty by registrar.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the state registrar, shall be

Penalty.

deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Altering certificate, etc.

And any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of the local or state registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

Penalty.

False information, etc., furnishing of.

And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars.

Penalty.

Common carrier transporting without permit.

And any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, that in case the death occurred outside of the state, and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal or transit permit, may be held to authorize the transportation or carriage of the body into or through the state.

Penalty.

Local registrars charged with enforcement of this act.

SECTION 22. Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the state registrar. And they shall make an immediate report to the state registrar of any violations of this law, coming to their notice by observation or upon complaint of any person, or otherwise. The state registrar under the direction of the secretary of state is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with a statement of the facts and circumstances; and when any such case is reported

to them by the state registrar, all prosecuting attorneys shall forthwith initiate and prosecute the necessary proceedings against the parties responsible for the alleged violations of law. And upon request of the secretary of state, the attorney general shall likewise assist in the enforcement of the provisions of this act.

SECTION 23. That sections 2116 and 2141 of the Revised Statutes be amended so as to read as follows:

Sec. 2116. The board of health in cities and villages shall elect one of their number president pro tem., who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. All special meetings of the board shall be called by the president or three members thereof. The clerk of the board shall keep a full and accurate record of all proceedings of the board, together with a record of all cases of contagious diseases reported to the health officer, and at the expiration of his term of office shall turn over to his successor all books, records, papers, and other matter belonging to the board. Each board of health, or the health officer where there is no board of health, shall procure suitable books, blanks, and other things actually necessary to the transaction of its business. Among the books to be procured and kept shall be a suitable book for the registration of cases of infectious or contagious disease.

President pro tem. of board of health.

Record for contagious diseases.

Sec. 2141. The board of health may create a complete and accurate system of registration of births, marriages, deaths and interments occurring within its jurisdiction, for the purpose of legal and genealogical investigations, and to furnish facts for statistical, scientific and sanitary inquiries; and no corpse shall be buried or cremated within the state of Ohio, or taken out of the state without a permit from the local registrar.

SECTION 24. That said sections 2116 and 2141, and sections 6395, 6396, 6397, 6398, and 6399 of the Revised Statutes of Ohio, and section 3 of an act entitled, "An act to create and establish a state board of health in the state of Ohio," passed April 14, 1886, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 5, 1908.

ANDREW L. HARRIS,
Governor.

152G.

[Senate Bill No. 286.]

AN ACT

To amend certain acts creating a state highway department, to provide for state aid in the construction of highways.

Be it enacted by the General Assembly of the State of Ohio:

State highway department, establishment of.

SECTION 1. A state highway department shall be established by the appointment of the governor of the state with the advice and consent of the senate, for a term of four years, of a state highway commissioner, who shall be a competent civil engineer, and experienced in the construction and maintenance of improved roads. Said state highway commissioner shall receive a salary of two thousand five hundred dollars per annum, and shall be allowed his actual traveling expenses, not exceeding seven hundred and fifty dollars, while officially employed. He shall furnish a bond in the sum of ten thousand dollars for the faithful performance of his duty, said bond to be approved by the governor, and he shall give his whole time and attention to the duties of his office. Provided, further, that the state highway commissioner may appoint, as the work of the department requires, and subject to the approval of the governor, one assistant who shall be a capable and competent civil engineer and experienced in road building, who shall receive an annual salary of one thousand eight hundred dollars and shall be allowed his actual traveling expenses, not to exceed seven hundred and fifty dollars, when on official business; and he may also appoint three capable and competent civil engineers each of whom shall receive an annual salary of one thousand five hundred dollars and shall be allowed their actual traveling expenses not to exceed seven hundred and fifty dollars each; a chief clerk at an annual salary of twelve hundred dollars per annum, and may employ not to exceed four additional clerks or stenographers, at an expense not to exceed nine hundred dollars per annum, each. The state highway commissioner may require the employes of the department to give bond for the faithful performance of their duty, in suitable and reasonable amounts.

Assistant, appointment of.

Bond of employes.

Object and purpose.

SECTION 2. The object and purpose of this department shall be to instruct, assist and co-operate in the building and improvement of the public roads, under the direction of the highway commissioner in such counties and townships of the state of Ohio as shall comply with the provisions of this act. The highway commissioner may make inquiries in regard to systems of road building and management throughout the United States, and make investigations and experiments in regard to the best methods of road making and the best kinds of road material, and investigate the chemical and physical character of road materials, and has authority to pay freight and express charges

and other necessary expenses, and prepare, publish and distribute bulletins and reports on the subject of road improvement.

Bulletins, publishing and distribution of.

SECTION 3. In making investigations concerning the chemical and physical character of road making material, the apparatus and supplies of the college of agriculture and the college of engineering of the Ohio State University shall be employed, with the consent of the president of said university, in so far as such investigations may be made without interfering with the regular work or purposes of said college.

SECTION 4. County commissioners of the several counties of the state, and the officers of the cities, villages and townships in the state, who now have, or may hereafter have by law, authority over the public highways and bridges, shall upon the written request of the state highway department furnish said department with any information relative to the mileage, cost of building and maintenance, condition and character of the highways under their jurisdiction, and with any other needful information relating to the said highways.

Information, how obtained.

SECTION 5. The state highway department shall be provided with suitable rooms in the state building at Columbus. Its offices shall be open at all reasonable times for the transaction of public business, said office to be furnished by the state with stationery and office supplies and fixtures necessary to carry on the work. The state highway commissioner shall carry into effect the provisions of this act and all the laws of the state of Ohio, providing for the cooperation of the state in the construction and maintenance of public highways. He shall have charge of all records of the state highway department, and shall each year submit to the governor of the state a full report of the operation of the department, the number of miles, cost and character of the roads built under its direction, detailed and accurate itemized statements of his expenses and the expenses of the department, and such other information concerning the condition of the public roads of the state and the progress of their improvement, as may be proper.

Location of state highway department.

Annual report, what to contain.

SECTION 6. The county commissioners in order to avail themselves each year of the aid provided by the state of Ohio for assistance in constructing or repairing highways, shall make application to the highway commissioner before the first of January of each year and the highway commissioner shall only consider petitions for the apportionment of the appropriation of any year that have been filed before January 1st preceding the date when such appropriation is available. When any appropriation has been designated for the year in which the appropriation by the general assembly is made, the apportionment to any county of the same or any residue of such apportionment remaining unexpended in such year shall become part of the apportionment to such county for the succeeding year and be

Application for state aid.

available for petitions properly filed for such succeeding year. In the event that any board of county commissioners fail to take such action as to secure the apportionment to their county before the first day of January following the appropriation by the general assembly and any board of trustees have filed their petition prior to such first day of January for the appropriation to such county, assuming one-half of the total cost of constructing any road, including surveys and other necessary expenses, described in said petition, that is, thirty-five per cent. by the township at large and fifteen per cent. by the property fronting on the road petitioned for, the state highway commissioner may proceed with the construction of such road and the proceedings shall be the same as when petitioned for by the county commissioners, the board of township trustees assuming the place and rights otherwise assumed by the board of county commissioners and the township clerk and township treasurer the place and duties of the county auditor and county treasurer where the county commissioners petition for state aid. If more than one township in any county should apply as above, the state highway commissioner shall have authority to select the road for improvement that in his judgment will be of the greatest public benefit or may select roads in two or more townships for construction. In any event, all other proceedings shall be the same as when state highway improvement is petitioned for by the county commissioners. On the fifteenth of January succeeding the passage of any bill appropriating money for state aid in the event county commissioners and township trustees have not availed themselves of the apportionment of such appropriation in any counties of the state, then the state highway commissioner shall re-apportion any funds, liable to revert to the general revenue fund by such neglect, equally to the counties that have applied; such amounts to be in addition to the amounts originally apportioned to such counties availing themselves of state aid.

Petition of trustees, effect of.

Re-apportionment of funds.

SECTION 7. Every application for the co-operation provided for by the state highway department for state aid in constructing highways, shall be accompanied by a properly certified resolution adopted by the board of county commissioners having jurisdiction over the highway to be improved, stating that the public interest demands the improvement of the highway described therein, but said description shall not include any portion of a highway within the boundaries of any city or village.

Certified resolution to accompany application.

SECTION 8. The county commissioners in any county of this state may, at any time, by resolution direct that any public road or section of road, located within said county, being at least one mile in length, or being less than one mile in length, in an extension or connection with some permanently improved or paved street or permanently improved highway of approved construction be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel,

Macadamized or stone road, etc.

brick or other suitable material, in such manner that the same, of whatever material, constructed, shall with reasonable repairs thereto, at all seasons of the year be firm, smooth and convenient for travel; or whenever a road or section thereof is petitioned for by the owners of 51 per cent. of the lineal feet along said road, or section thereof, praying the board of county commissioners to cause such road to be improved under this act, it shall be the duty of the board to grant such petition if, after viewing such road said board of county commissioners shall decide the improvement of such road to be just and to the best interest of the public, subject to the conditions as hereinafter provided; when more roads are applied for than can be constructed in one year the board of county commissioners and state commissioner of public highways shall have power and authority to select from the roads petitioned for the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this act to all parts of the county; and the county commissioners shall before approval of any road require as condition of said approval that the township or townships through which said road runs shall pay twenty-five per cent. of the cost of said improvement, said improvement to be approved in the resolution or resolutions passed by the trustees of the township through which said road runs, said payment to be applied to the improvement of road construction under this act. Where a railway corporation owns in fee a strip of land along one side of the highway upon which they operate either a steam or electric railway, the land back of said railway strip shall be regarded and treated as abutting upon said highway for all the purposes of abutting ownership; and both strip and land back of same shall be assessed as provided in section 17 of this act.

Approval by commissioners.

Abutting property.

SECTION 9. The state highway commissioner shall upon receipt of any such application investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to come within the purpose of this act, taking into account the use, location and value of such highway or section thereof for the purposes of common traffic and traveling, and after such investigation shall certify his approval or disapproval of such application. If he shall disapprove such application he shall certify his reasons therefor to the board of county commissioners making the application, and all petitions shall remain available for consideration until such disapproval or dismissal by mutual consent of the state highway commissioner and the county commissioners.

Investigation, by state highway commissioner.

SECTION 10. If the highway commissioner shall approve of such application he shall cause the highway or section thereof, therein described, to be mapped both in outline and profile. He shall indicate how much of such highway or section thereof may be improved by deviation from or alteration of the existing lines whenever it shall be deemed of advantage to obtain a shorter or more direct

Profile.

road without lessening its usefulness; or whenever such deviation or alteration is of advantage by reason of lessened gradients, and shall cause plans and specifications of such highway or section thereof to be made for telford, macadam or gravel roadway, or other suitable construction, taking into consideration the climate and soil, and the material to be had in the vicinity thereof, and the extent and nature of the traffic likely to be upon the highway, specifying in his judgment the kind of road a wise economy demands. He shall also cause plans and specifications to be made for all bridges and culverts upon the highway or section thereof proposed to be improved, and transmit a certified copy thereof to the board of county commissioners making the application. It shall then be the duty of the said board to construct such bridges and culverts in accordance with the said plans and specifications; the cost of such construction to be paid for out of the bridge fund of the county.

Bridges and culverts; plans and specifications.

The improved or permanent roadway of all highways so improved shall not be less than ten nor more than sixteen feet in width, unless for special reasons to be stated by such highway commissioner it is required that it shall be of greater width. Where there is a stipulation in the petition of the abutting owners to pay the added cost of an improvement in excess of sixteen feet in width, such highway may be improved to a greater width than sixteen feet. The trustees of the township in which said highway is situate, may also petition for and be granted the same privilege of increasing the width of the improved part of a highway on their making the same stipulation as to the added cost; or such stipulation may be joint on the part of the abutting owners and trustees of the township, each agreeing to pay part of the added cost. All highways improved under the provisions of this act shall conform to the standard of construction established by the state highway department.

Width limits, specified.

SECTION 11. Upon the completion of such maps, plans and specifications of a proposed improvement the state commissioner shall cause an estimate to be made of the cost of construction of the same, and transmit the same to the board of county commissioners from which such resolution proceeded, together with a certified copy of such maps, plans and specifications, and of his certificate of the approval of the highway or section thereof so designated as aforesaid.

Estimate of state highway commissioner.

SECTION 12. After the receipt thereof, upon a majority vote of such board of county commissioners, it may adopt a resolution that such highway or section thereof so approved shall be constructed under the provisions of this act, or of any existing act, and thereupon shall transmit a certified copy of such resolution to the state highway commissioner.

Resolution, adopted by commissioners.

SECTION 13. In case such proposed highway shall deviate from the existing highway, the officials making application must provide for securing the requisite right-of-way by condemnation proceedings or otherwise, prior to

Right-of-way, how secured.

the actual commencement of the work of improvement, and shall secure release from damage to property by reason of change of grade.

SECTION 14. That upon the receipt of the application and certified copy of the resolution provided for in section 12, the state highway commissioner shall advertise for bids for two successive weeks in two newspapers of general circulation and of opposite politics, published in the county in which the road is to be built, according to said plans and specifications, which shall be on file at the county commissioners' office and shall award such contract to the lowest responsible bidder, subject, however, to the approval of the county commissioners; provided that nothing herein shall prevent the township trustees within any township where such improvement is to be made from bidding and entering into contract to build or repair such roads. No contract shall be awarded at a greater sum than the estimate provided in section 11; provided that when bids are received for such improvement, they shall be sealed bids which shall be opened at a time certain, and shall be protected with such other regulations as may be imposed by the commissioner, necessary to secure fair bids. But if no bid otherwise acceptable be made within such estimate, such highway commissioner may amend his estimate, certify the same to the board of county commissioners, and upon the adoption by it of a resolution as provided in section 12, based on such amended estimate proceed anew to obtain bids and award the contract as herein provided. Said highway commissioner may reject any or all bids and before entering into any contract for such construction, he shall require a bond with sufficient sureties, or by a surety company of recognized standing, conditioned that if the proposal shall be accepted the party thereto will perform the work upon the terms proposed and within the time prescribed and in accordance with the plans and specifications, and as a bond of indemnity against any direct or indirect damages that shall be suffered or claimed during the construction of such road and until the same is accepted. The state of Ohio shall in no case be liable for any damages suffered. The above provisions as to advertising shall apply to letting of any extra work not included in original contract, arising from unforeseen contingencies, where the estimate of cost amounts to one thousand dollars or more. Where such estimates are less than one thousand dollars and over two hundred dollars notice of letting need only be given for fifteen days, and said notice shall only be by posting on a bulletin board or by writing on a blackboard in a conspicuous place in the county commissioners' or auditor's office in the county where proposed work is located, showing the nature of the letting and when and where proposals in writing will be received; plans and specifications shall be kept on file at the county auditor's office during said fifteen days and be open to public inspection. When the estimated cost does not exceed two hundred dollars the work may be let at pri-

Bids, advertising for, etc.

Bond, with sureties, required.

Private contract.

vate contract by the state highway commissioner without any publication or notice thereof, provided the contract is approved by the board of county commissioners.

Certificate of state highway commissioner.

SECTION 15. Upon the completion of any highways rebuilt or improved under the provisions of this act, the state highway commissioner shall immediately ascertain the total cost and expense of the same and apportionment of the total cost and expenses between the state, the county and the township or townships and abutting property, and the state highway commissioner shall certify the total expense of said improvement to the county commissioners and to the trustees of the township or townships and abutting property owners respectively, signifying the amounts contracted to be borne by the state, the county and the township or townships and the abutting property as provided by this act.

Expense, how apportioned.

SECTION 16. One-half of the cost and expense of the construction thereof shall be paid by the treasurer of the state of Ohio on the warrant of the state auditor issued upon requisition of the state highway commissioner out of any specific appropriations made to carry out the provisions of this act, and one-half of the cost and expense thereof shall be a county charge in the first instance, but twenty-five per cent. of the whole shall be paid by the township or townships as hereinafter provided, said one-half shall be paid by the treasurer of the county in which such highway or sections thereof, is located, upon the order of the county commissioners upon the requisition of the state highway commissioner out of any funds in the county treasury for the construction of improved highways under the provisions of this act; but the amount so paid shall then be apportioned by the county commissioners between the county, township or townships and the abutting property as provided by this act; provided, further, that nothing contained in this act shall prevent any board of county commissioners or township trustees from agreeing to appropriate a larger amount for any road improvement than the amount specified in this act, up to the full cost and expense of the same. Petitions on file for construction and reconstruction upon the passage of this act and under the condition of only twenty-five per cent. being paid by the state shall be available for construction or reconstruction under the provisions of this act, assuming fifty per cent. of the cost by the state.

Petitions already on file, availability of.

Apportionment, as to township and abutting property.

SECTION 17. In apportioning the 25 per centum that shall be paid by the township, 15 per centum shall be a charge upon the whole township and ten per centum a charge upon the abutting property. The township trustees shall apportion the amount to be paid by the abutting property according to the benefits accruing to the owners of the land so located, according to the best judgment of said trustees, upon at least ten days' notice of the time and place of such apportionment to the persons affected thereby and after such persons have had an opportunity to be heard

in manner and form as provided in sections 4637-4, 4637-5, 4637-6 and 4637-7 of the Revised Statutes of Ohio and shall certify the result of their distribution to the county auditor who shall place the same upon the tax duplicate against the property benefited and the same shall be collected by the treasurer of the county in the same manner as other taxes are collected and in such payments as may be approved by the county auditor. The share of the township or townships in which the said highway improvement as herein provided has been made, shall be paid by the township trustees as other debts of said township or townships are paid.

Money, advancement of.

SECTION 18. No money shall be advanced by the state of Ohio or by the county commissioners in payment of the cost and expense of construction provided herein except as the work of actual construction progresses, to be paid upon estimates made by engineer in charge of the work, and in no case shall the payment or payments of the state of Ohio and the county commissioners made thus prior to the completion of the work be in excess of eighty per centum of the value of the work performed, and in all cases twenty per centum must be held until completion of the work, according to the plans and specifications, and every county or township availing itself of the provisions of this act shall, because of having accepted such state aid, contract and bind itself to maintain and keep said road in good and efficient repair, for the free use of the public.

Repairs, contract as to.

Contracts, in name of state of Ohio.

SECTION 19. Every contract authorized to be made by the state highway department, under the provisions of this act, shall be made in the name of the state of Ohio, and shall be signed by the state highway commissioner and attested by the chief clerk of the department, and must be approved by the board of county commissioners of the county in which the improvement is to be made. Provided, further, that no contract for any highway improvement shall be let by the state highway department, nor shall any work be authorized under the provisions of this act, until the written agreement of the county commissioners of the county and the trustees of the township or townships, in which said proposed improvement is to be made, agreeing to assume their respective shares of the cost thereof, as hereinbefore provided, shall be on file in the office of the state highway department, and shall have been approved as to form and legality by the attorney general.

Approval, by attorney general.

SECTION 20. In each county the construction and improvement of highways and sections thereof under the provisions of this act, shall be taken up and carried forward in the order in which they are finally designated, as determined by the date of the receipt in each case of the certified copy of the resolution provided in section 12, by the highway commissioners as hereinbefore provided, unless by mutual consent of the state highway commissioner and county commissioners another road or section of road be sub-

Filing certified copy of resolution, effect of.

stituted. Provided, however, that the state highway commissioner, where heavy grading is required, may contract for such grading and defer contracting for surfacing the road to such time as the grade has become stable and solid, and may, with the approval of the county commissioners contract for part of a road or section of road covered by a petition, such section to be not less than one-half mile in length unless connecting with an improved road or street, and continue construction in the same manner from year to year.

4% bonds.

SECTION 21. It shall be lawful for the commissioners of any county or for the trustees of any township to incur indebtedness or to issue bonds at a rate of interest not exceeding four per cent. in the manner authorized by law, for the payment of the said county or said township share of the cost of any highway improvement undertaken under the provisions of this act, or any other act in which the state of Ohio pays one-half the cost of construction; provided, further, that for the purpose of carrying out the provisions of this act the county commissioners of any county or the trustees of any township in addition to any limit fixed by law or to any authority under any act now in force giving authority to sell bonds and fix the rate of interest and levy taxes to provide for their payment may, by unanimous vote of the board of county commissioners or of the township trustees, provide for the sale of bonds, fix the rate of interest not exceeding four per cent. and levy taxes for the purpose of paying the same.

State and county road improvement fund.

SECTION 22. The county commissioners, at their March and June sessions annually, in addition to the levy authorized for road and bridge purposes, may levy on each dollar of valuation of taxable property within their county, not to exceed one (1) mill for the creation of a fund to be known as the state and county road improvement fund, and to be used for the improvement of state and county roads in the county.

Bidding, by township trustees, permitted.

SECTION 23. Nothing contained in any act providing for the aid of the state in the construction of public highways, or in any act providing for the improvement of highways, by the assistance of the state, shall be construed to prohibit the township in which the improvement is made from bidding upon the work and the highway commissioner may award the contract to the township trustees provided the bid for constructing the improvement conforms to all requirements that are made for other bidders.

Dirt road.

SECTION 24. Nothing in this act or any other act for the construction of improved highways, under the direction of state authorities, shall be construed to prevent the highway commissioner or the authorities having jurisdiction of any such road, from constructing or for providing for the construction of a dirt road parallel with and along side of any improved road, whenever in his judgment such construction is necessary.

Materials, how selected.

SECTION 25. The county commissioners shall have the authority to select the kind of material to be used in improving any road under the provisions of this act, subject to the approval of the state highway commissioner. Any difference of opinion that may arise between the county commissioners and the township road authorities as to the kind of a road to be built, shall be decided by the state highway commissioner. The state highway commissioner shall furnish to the county commissioners and the township road authorities information as to the probable cost of improved highways, as defined in this section.

Engineer, compensation of.

SECTION 26. The state highway commissioner shall use a competent engineer in surveying and planning highways herein provided for. Said engineer may also be employed in superintending the work of constructing the road improvement made under this act, and the person so employed, shall be compensated not to exceed the amount fixed by law for each day actually employed in such service.

Agreement of counties, as to expense of construction.

SECTION 27. Counties may agree among themselves to contribute their combined proportion of the total expense of construction, herein provided to be borne by them for the construction of county line roads in any proportion agreed upon by the several boards of county commissioners, but in no case shall any township or county pay less than ten per centum of the entire expense of such improvements.

Reconstruction, provisions as to.

SECTION 28. Whenever any turnpike or improved road now constructed is in need of reconstruction, it may be done under the provisions of this act in the same manner as provided for herein for the construction of new improved roads, and all provisions herein applying to the construction of improved roads shall apply to such reconstruction of roads, and such roads must be reconstructed in accordance with the provisions herein. Provided, however, that where the county commissioners petition the state highway commissioner for the reconstruction of such roads the resolution asking for such improvement shall be accompanied with an approved map or plan showing the lay-out, lines, profiles and grade of such highways, and provided, further, that the county commissioners shall state the kind of material to be used or available for such roads.

"State highways" defined.

SECTION 29. The highways constructed or reconstructed under the provisions of any act providing for aid by the state, shall thereafter be known as "state highways," and shall be kept in repair by the county commissioners, so that they may be maintained at the standard of condition prescribed for highways of their class by the state highway department, at the expense of the county in which such highway may lie, and in case a franchise shall be granted on the same, no construction shall be permitted nor obstructions placed thereon nor alteration or changes made thereto until the location and grade of such construction has been established by the state highway commis-

sioner, which location and grade shall be established by the state highway commissioner within sixty days after notice so to do by the county commissioners.

Duty of commissioners, as to state highways.

SECTION 30. It shall be the duty of the commissioners of every county in which said state highway may lie, to maintain the same generally at a reasonable standard, prescribed for such roads by the state highway department. In the event the local authorities neglect such maintenance the state highway commissioner is hereby authorized to provide for such maintenance and deduct the cost of same from any funds then available for state aid to such county or that may in the near future become available. The word "highway," as used in this act shall be construed to include any existing causeway or bridge, or any new causeway or bridge, or any drain or water course which may form a part of a road and which might properly be built according to existing laws, by the township or townships; but shall not include causeways or bridges which should properly be built by a county or adjoining counties or by the state.

Highway defined.

Permanent highways, repair of.

SECTION 31. In any county in which at the time of the passage of this act there has been already constructed permanent highways of not less than standard width as herein provided, the material of such roads being of gravel, brick, telford or macadam or other material equally as good, the county commissioners of such county may make application to the state highway commissioner before January first of each year, for the amount which may be apportioned to such county under this act, and such money shall be forwarded to the county treasurer of such county, providing that the commissioners shall levy on the total tax duplicate of said county a tax sufficient to equal the amount so apportioned to such county by the state under this act, such appropriation and levy shall become a part of the pike repair fund of the several townships and shall be apportioned to the townships or road districts composed of not less than one township pro rata to the amount of the fund arising in each township or such road district by said levy and the township trustees or other authority that has charge of the repair of improved roads in such county shall proceed to apply said fund in the repairing of such improved roads in the same manner as other pike repair funds are applied, provided that the material used in such repair shall be equal to the material used in the original construction of such roads. Provided, however, that those townships that have not constructed permanent highways as herein provided shall not use their portion of the funds for any other purpose than the construction of improved highways in the manner herein provided. Counties may use moneys legally transferred from other funds in lieu of the tax referred to above. It is further provided that the county commissioners of any county that have filed or may hereafter file petitions for the apportionment of the state aid to such county for repair may, with the consent of the

Materials, quality of.

state highway commissioner, use part of such apportionment for construction and any residue remaining for repair, in any case to be under the provisions of this act.

If the county commissioners do not make application for state aid for repairs as provided in this act, and the road commissioners of any special road district of two or more townships levy a tax for the repair of the permanent highways within said special road district and certify to the commissioner of highways the amount of the repair fund raised by said levy, then an amount of money equal to the repair fund shall be forwarded to the county treasurer of the county in which said special road district is situated for the repair of the improved roads in said district. If the road commissioners of more than one special road district situated within the same county, make application to the state highway commissioner for money for the repair fund of said special road districts and the aggregate amount of the repair funds of the special road districts exceeds the money apportioned to the county within which said special road districts are situated, then the money forwarded to the county treasurer shall be apportioned among said special road districts in proportion to the amount of the respective repair funds thereof.

Road commissioners, certificate to commissioner of highways.

SECTION 32. The money appropriated from time to time by the state for the purpose of carrying out the provisions of this act shall not be used in any other manner or for any other purpose than as herein provided; provided, further, that the amounts appropriated shall be divided equally among the counties of the state, but said amounts shall remain in the state treasury until applied for under the provisions of this act where the several counties have filed applications for such amounts within the time required and said applications have been approved; and provided, further that on the fifteenth day of January of any year when any counties or townships therein have not filed such applications in compliance with the requirements of this act, and the apportionment to such counties are not available by reason of neglect on the part of such counties or townships to comply with the provisions of this act, such apportionment to such counties shall be equally re-apportioned to the other counties of the state which have complied with the requirements of this act.

State appropriations, division of.

SECTION 33. Whenever there shall be available any funds for highway improvement in the state from the federal government the same shall be apportioned by the state highway commissioner on or before the first day of January in each year according to the mileage of township or county roads in each county, but said funds shall only be used for the purpose of extending, improving, maintaining and constructing highways made under the provisions of this act, or which are of a standard approved by the state highway department, and shall be distributed upon application for the same by the county commissioners of the

Federal funds.

various counties. Provided, further, that if the amount so apportioned and set aside shall not be applied for a period of two years after it becomes available, it shall be returned to the state treasury and be added to the appropriations for the current year and distributed anew, as herein provided.

SECTION 34. That the said act, entitled, "An act to establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation in the permanent improvement of public highways," passed April 18, 1904, as amended April 2, 1906, and that the said act, entitled "An act providing for the operations of the state highway department and providing for investigating the chemical and physical character of road making material, and for defining the word highway, and to provide for a tax levy to repair destroyed highways, by freshet or other casualty," passed April 18, 1904, as amended April 2, 1906, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
153G.

[Senate Bill No. 298.]

AN ACT

Authorizing the county commissioners of the several counties of this state, to appropriate annually, a sufficient sum of money, to each Post of the Grand Army of the Republic, in their respective counties, to aid in defraying the expenses of Memorial Day.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of the several counties, of the state of Ohio, are hereby authorized, to appropriate annually, to each post of the Grand Army of the Republic, in their respective counties, a sufficient sum of money, not exceeding twenty-five dollars each, to aid in defraying expenses of Memorial Day.

$25.00 for Memorial Day.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
154G.

[Senate Bill No. 301.]

AN ACT

To provide for the creation of a commission to recommend such changes in the laws as may be necessary or advisable for the regulation of coal mines in the state of Ohio and for the protection of the health and lives of operatives in such mines, and for an appropriation to pay the expenses thereof.

Be it enacted by the General Assembly of the State of Ohio:

Mining commission, appointment of.

SECTION 1. That the governor shall appoint a commission of seven citizens of the state of Ohio, three of whom shall be practical miners or operatives in coal mines, three of whom shall be owners or operators of coal mines, and one who shall be agreeable to the first six appointed, who shall constitute a commission to recommend such changes in the laws as may be necessary or advisable for the regulation of coal mines in the state of Ohio and for the protection of the health and lives of operatives in such mines; and in case a vacancy shall occur in said commission the governor is authorized to fill the same.

Duties of commission.

SECTION 2. Such commission shall inquire into the conditions surrounding the operation and conduct of coal mines in the various districts of the state of Ohio, with the view of ascertaining what provisions of law would best promote and protect the health and safety of the miners and operatives therein and the mutual interests of the miners and operatives; and for this purpose it shall hear representatives of the miners and operatives in such mines and the owners and operators of such mines, such commission may employ an expert mining engineer and electrician at a salary not to exceed ten ($10.00) dollars per day, and shall invite the fullest and clearest presentation of the views of all persons interested in the operation of coal mines in this state, and shall have authority to send for persons and papers and may personally investigate the conditions surrounding coal mines in the various districts of this state.

Mining engineer, compensation of.

Organization and report of commission.

SECTION 3. Such commission shall be organized by the election of proper officers, and shall make its report to the governor for transmission to the general assembly as soon as it shall have completed the investigations herein provided for, together with its recommendations of changes in and additions to the existing laws, with the bill or bills submitted for enactment, and its reason therefor.

Place of meeting.

SECTION 4. The commission shall meet in the office of the chief inspector of mines and shall provide necessary stationery for its use. It may employ a stenographer, who shall act as secretary and whose services shall be paid for out of the money hereby appropriated; and the commission shall have free access to the rolls, books and records in all departments of the state. The commissioners shall each receive the sum of five dollars per day for the time

Compensation of commissioners.

actually employed in the work of the commission, together with actual expenses incurred while traveling to and attending meetings or while engaged in the work of the commission. The sum of five thousand dollars, or so much thereof as may be necessary, to pay the same, be and it is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid upon the duly authenticated requisition of the commission accompanied by vouchers showing the purposes for which drawn, when approved by the governor.

Appropriation.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
155G.

[Senate Bill No. 305.]

AN ACT

To provide for the expenses of the members of boards of education in school districts of the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a service fund for members of the board of education of any city school district be authorized and that it be operated as follows:

Upon the passage of this act and upon the third Monday of every January thereafter the clerk of the board of education shall certify to the board of education of which he is clerk, the number of pupils enrolled in the public schools of that district, whereupon the board of said city school district may by resolution set aside from the contingent fund a sum not to exceed five cents for each child so enrolled, said sum of money to be known as the "service fund" to be used only in paying the expenses of said members actually incurred in the performance of their duties; such payments to be made only on statement of the several members furnished at the last meeting held in each month.

"Service fund."

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
156G.

[Senate Bill No. 322.]

AN ACT

To amend, repeal and supplement certain sections of the Revised Statutes of Ohio and parts of certain acts, named herein, relating to hospitals for insane and other state benevolent and correctional institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act passed April 26, 1890 (Vol. 87, page 334, O. L.), entitled "An act to compel directors, boards, superintendents, managers, stewards of the penal, reformatory, charitable and benevolent institutions to purchase native livestock for food consumption," be repealed.

SECTION 2. That section 632 of the Revised Statutes of Ohio be supplemented by two sections to be numbered 632*a* and 632*b*, relating to inmates of benevolent institutions.

Sec. 632*a*. No person who has not gained a legal residence in the state of Ohio shall be admitted to any benevolent institution of the state; provided, however, that the board of state charities may authorize the reception of a non-resident person into an institution in cases where the legal residence cannot be ascertained, or where the peculiar circumstances of the case constitute, in their judgment, a sufficient reason for the suspension of this rule, after an investigation has been made as hereinafter provided.

Non-residents, reception of.

Sec. 632*b*. Whenever application shall be made to any judge of the probate court for the commitment of any person to a hospital for insane, the hospital for epileptics, or the institution for feeble-minded, or whenever application shall be made to the superintendent of any other benevolent institution for the admission of any person to any such institution, it shall be the duty of said judge of the probate court or the superintendent to require answers to the following questions:

Duty of judges and superintendents.

1. Where was the person born?
2. When did he become a resident of the state of Ohio?
3. When did he become a resident of the county?
4. If not a legal resident of state and county, on what ground is the application made?

If the judge of the probate court or superintendent shall find that the said person whose commitment or admission to an institution is requested has not a legal residence in the state of Ohio, or if his legal residence is in doubt or unknown, and if he is of the opinion that such person should be committed or admitted to such institution, it shall be his duty, without delay, to notify the board of state charities, giving his reason for requesting such commitment or admission. It shall be the duty of the board of state charities, either by committee, or by its secretary, or by such agent as it may designate, to investigate the question of the legal residence of such persons as shall be reported to said board as aforesaid, and such committee, secretary, or

Duty of board of state charities.

agent shall have authority to send for persons and papers and to administer oaths or affirmations in conducting such investigations. At any time after investigation is made, as aforesaid, a non-resident person, whose legal residence has been positively established, before or after admission in or commitment to a state institution, may be transported at the expense of the state of Ohio to such place of legal residence.

Transportation to legal residence.

SECTION 3. That section 645 of the Revised Statutes of Ohio, relating to annual reports be amended to read as follows:

Sec. 645. The board of trustees or board of managers of the benevolent and correctional institutions shall, biennially, after the close of the fiscal year next preceding the regular session of the general assembly, make to the governor a report of their proceedings during the two years, accompanied with a report by the superintendent, and such others employed in the institution as they may deem important, and of the condition, progress, and wants of the institution, together with an exhibit showing the balances of money at last settlement, under each head as appropriated, in the hands of the financial officer, and the amount on hand in the state treasury, and the amount appropriated for each different fund during each fiscal year of the biennial period, with a detailed exhibit of all expenditures, giving the total quantity and total expenditure of each item purchased during each fiscal year, under the head of the different funds, and at the close of each fiscal year to show the balance of money in the hands of the financial officer, subject to his draft in the hands of any person, and to what fund the balance belongs, and the amount in state treasury, and to what fund. Said report shall also contain a full list of all persons employed therein, for what purposes and the amount paid to, or terms upon which said persons have been employed during the biennial period, and a complete statement of all liabilities, if any, that are unpaid, with the amount of each bill, when incurred, and to whom it is due. Such report shall further contain a summary statement of all contracts entered into during the two years, the names of all persons interested in such contracts; and should there be any donations or bequests, to show the amount received, amount expended, if any, with the balance on hand. And on the 15th day of February, of such years as the general assembly may be in session, they shall submit to the general assembly an exhibit of the balance of money in the hands of their financial officer, and to what fund said balance belongs; and the amount in the state treasury, under the several different funds, with a detailed statement of all outstanding warrants issued, with all other liabilities, if any, that are unpaid, with the amount of each bill, when incurred, and for what purpose, and to whom it is due.

Biennial reports, what to contain.

Detailed exhibit of expenditures.

Liabilities, statement of.

Submission of report to general assembly.

SECTION 4. That sections 699, 700, 701 and 704 of the Revised Statutes of Ohio, relating to hospitals for insane, be amended to read as follows:

Districts, established by board of state charities.

Sec. 699. The board of state charities shall have power to divide the state into districts, for the purpose of regulating the admission of patients into state hospitals for insane named in section 698, of the Revised Statutes, and to fix the quota of each county therein, so as to secure equality among the counties in proportion to population as indicated by preceding federal census, and to promote their convenience in this regard. The said board of state charities shall have power to change the boundaries of said districts, from time to time, as may be necessary or expedient; provided, that any regulations which may have been made on this subject shall not be effective until after they shall have been submitted to the governor and approved by him; and provided further that, after approval has been given, the board of state charities shall notify the judge of the probate court of such counties as may be affected by any change of district or quota.

Inhabitant, defined.

Sec. 700. No person shall be admitted into either of the hospitals belonging to the state, except an inhabitant of the state, unless by order in accordance with sections 632*a* and 632*b* (section 2 of this act), and no person shall be considered an inhabitant within the meaning of this section, who has not resided within the state one year next preceding the date of his or her application, and no person is entitled to the benefits of the provisions except those whose insanity has occurred during the time such person has resided in the state. The trustees may direct the discharge of a person when they deem it expedient. The medical superintendents of each of the state hospitals shall inform the probate judge of the different counties comprising the district, monthly, of the quota of patients to which the said county is entitled and the number in the hospital from said county, and the probate judge may at any time forward an acute case if the quota is not full and the papers and clothing are in compliance with law.

Superintendent's report to probate judges.

Transfers, ordered by board of state charities.

Sec. 701. If, at any time, either of the hospitals can not accommodate the patients of the district to which it is attached, or if the best interests of a patient make his transfer advisable, the board of state charities, with the consent and written approval of the superintendents interested, may order the transfer of such patients to the hospital of either of the other districts, which may at that time have room for said patients: provided that when such transfer is made at the request of relatives or friends of inmates, it shall be at their expense, and that all other transfers be at the expense of the hospital from which they are transferred.

Sec. 704. At the time appointed (unless for good cause the investigation is adjourned) the judge shall proceed to examine the witnesses in attendance: and if, upon the hearing of the testimony, he is satisfied that the person so charged is insane, he shall cause a certificate to be made out by two medical witnesses in attendance, who shall have had at least five years of experience in the practice of medicine, and shall not be related, by blood or marriage, to the person alleged to be insane or to the person making the ap-

plication for commitment, and shall not have any official connection with any state hospital, and who shall certify that the same is correct to the best of their knowledge and belief. The medical certificate shall contain answers to such interrogatories as the board of state charities, with the advice of the superintendents of the several hospitals, shall prescribe. This certificate form shall be printed by the board of state charities, and shall not be modified oftener than once each year. Sufficient copies shall be furnished the probate courts of the respective counties. All medical certificates shall be held to be void after ten days from date of issue, if the persons named therein are not admitted to a state hospital within that time.

Medical certificate, what to contain.

SECTION 5. That sections 711 of the Revised Statutes of Ohio, relating to admission of patients on voluntary application to hospitals for insane, be amended so as to read as follows:

Applications by persons in incipient stages of mental derangement, etc.

Sec. 711. A person in an incipient stage of mental derangement may apply for admission to and treatment in the state hospital for the district in which such person resides; a person in an incipient stage of epilepsy may apply for admission to and treatment in the Ohio Hospital for Epileptics; and the superintendent of such hospital is authorized to receive such person as a patient in said hospital for not more than sixty days, if he is satisfied from his own examination and the written statement of some reputable physician familiar with the applicant's condition, and covering the several heads specified in section 704 of the Revised Statutes of Ohio, that the applicant is in an incipient stage of mental derangement or epilepsy, in need of such treatment as the hospital affords, and likely to be benefited thereby. The applicant must be an inhabitant of this state, as defined in section 700, of the Revised Statutes of Ohio, able to appreciate the reason for and purpose of his application; and the application must be in writing, signed by the applicant, and in such form as the superintendent shall prescribe. Provided, however, the number of persons cared for as patients in any hospital under this section shall not at any time exceed five.

Maximum number of patients.

SECTION 6. That said original sections 633-7, 633-8, 645, 699, 700, 701 and 704 of the Revised Statutes be and the same are hereby repealed.

SECTION 7. That this act shall go into effect on and after the first day of July A. D. 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

157G.

[Senate Bill No. 324.]

AN ACT

To amend sections 2926h and 2926i of the Revised Statutes of Ohio, as amended April 23, 1904, to provide for registration of certificates of naturalization.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2926h and 2926i of the Revised Statutes of Ohio, as amended April 23, 1904, be amended so as to read as follows:

Sec. 2926h. The days for the general registration of electors in cities wherein annual general registration is required, and for the quadrennial general registration and the yearly registration of new electors in cities wherein general registration is required only in presidential years, in the several precincts in every such city, shall be Thursday in the fifth week, Thursday in the fourth week, Friday and Saturday in the third week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above described for the general registration, and no longer, the clerk of the board of deputy state supervisors shall act as registering officer in the following cases only: Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such clerk, at the office of such board, and on making and subscribing on oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in the registers of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in foreign country, before any minister, consul or vice consul of the United States, and make and subscribe an affidavit as to his residence specifying in what ward and precinct he resides and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars in such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the register of electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to

Days for registration specified.

Affidavit as to unavoidable absence.

Elector, in foreign country, affidavit of.

the "clerk of the board of deputy state supervisors" of such city; if received by such clerk between the days above appointed for his acting as registrar, it shall entitle such applicant to be entered by the clerk in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the clerk unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proven so to be by a credible person known to him, and whose name and full address must be stated in such certificate. Any such affidavit of an absent elector which shall be received by such clerk on or after the first days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed and shall preserve such affidavit; provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the clerk or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered in the registry opposite his name and in the column for "remarks," and such affidavit and envelope shall be transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the clerk of the board of deputy state supervisors, shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words "close of registration by the clerk," and shall thereunto subscribe his name and office.

Affidavit to be preserved.

"Challenged" entry of.

"Close of registration by the clerk."

In all cities which now or hereafter may have a population of one hundred thousand or more, when ascertained in the manner provided in section 2926a, there shall be an annual general registration of all the electors therein, in the several wards and precincts on the days and in the manner herein provided; in all cities, which now or hereafter may have a population of eleven thousand eight hundred and less than one hundred thousand, a general registration of all the electors therein shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; and at all other state, or other public elections, those electors who have been duly registered at such general registration as herein provided, and have not removed from the precinct in which they then registered at said general registration in any such city, shall not be required to register; but at such state, or other public

Cities of 100,000 or more.

Cities of 11,800 and less than 100,000.

elections, at the times hereinbefore provided for registration days, only those electors of any such city shall be required to register, as may be new electors, or who have moved into any precinct of any such city, since any general registration, and have not been registered therein, excepting (that) at such public election other than presidential and state, such registration shall take place on Friday and Saturday in the third week before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926*k*. Within a sufficient time previous to any such state, or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors at the time hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers at their respective precincts so required to be furnished them by section 2926*g* of this act, and make a thorough canvass thereof, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of deputy state supervisors. The board of deputy state supervisors and inspectors of elections in each county containing a city wherein annual general registration of electors is required, shall act as a board of registration of naturalized voters in such city, and shall receive and record all certificates of naturalization offered to it by any naturalized citizen in person, said citizen being then an elector of such city and requesting that the same be put on record by the board, stating under oath or affirmation, his age, his place or places of residence during the five years preceding such statement, and the length of time he has resided in each such place. And thereupon the board shall, by its clerk or deputy clerk, put such certificate of naturalization on record together with a record of the statements of the applicant, and the same shall be a matter of public record. Such registration of certificate of naturalization may be made upon any day and at any time during which the office of the board is open for the transaction of ordinary business, excepting, election days and days for the general registration of electors.

Election, other than presidential or state.

Removal certificate.

Report of registrars.

Board of registration of naturalized voters, duties of.

Record of certificate of naturalization.

Sec. 2926*i*. The registrars of electors appointed as herein provided shall, on each of the days appointed for the general registration of electors, meet at the place in each precinct provided by the board of deputy state super-

Hours for registration specified.

visors for that purpose and there remain in session from the hour of eight o'clock before noon, until the hour of two o'clock in the afternoon and from four o'clock in the afternoon until nine o'clock in the evening of each and all the days so appointed for the purpose of registering the electors lawfully resident in such precinct. No person shall be registered as an elector of any city at any time or place other than those which are in this act designated; and in making registration every applicant shall answer the inquiries made by the registrars; and the registrars having openly and publicly met at the place and time herein appointed, shall proceed as follows:

1. They shall receive the application for registration of all such male persons, resident in such precinct, as then are, or on the day of election which will next follow such application will be entitled to vote therein, and who shall personally come before them and such only; the registrars may, and if the right of the applicant to be registered be challenged by any elector shall, administer the following oath, to-wit: "You do solemnly swear (or affirm) that you will truly and fully answer all such questions as shall be put to you touching your place of residence, name, age, place of birth, qualifications as an elector, and your right as such to be registered and vote under the laws of this state."

Oath, to challenged elector.

2. They shall then examine each applicant as to his residence and qualifications as an elector, and if not satisfied, or if any elector so demands, shall enter the word "challenge" under the column for "remarks." Unless otherwise herein directed, they shall then, in the presence of the applicant, enter in the registers his answers to their questions pertinent to the heading of each column, in their order. In entering his number, such number shall be filled up consecutively, leaving no blank, and in names they shall include his Christian name or names in full as well as his surname. In the column as to "residence" shall be stated the name of the street, avenue, alley, or way in which his dwelling is located, or access to the same usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found, must in every such case be given and entered. If there be more houses than the one under the number so given, or if there be other families, tenants, or lodgers in that in which the applicant resides, he must specify in which house and on which floor, and whether front or rear of such house, he resides, and the number or location of his tenement. In the column as to age, the years and months must be stated, and if the applicant is not at the time twenty-one years of age or more, the words "not of age" must be inserted in the column of remarks. In the column as to "term of residence," the periods of years and months of his residence in the precinct and state must both be stated. In the column as to naturalization, the answer "yes" or "no" or "native" must be given and stated. If naturalized, the proper certificate or evidence must be produced, provided, however, that in case

Christian name.

House number.

Age.

Naturalization certificate, production of.

the applicant for registration shall declare that the certificate of naturalization upon which he claims the right to vote has been filed for record with the board of deputy state supervisors and inspectors of elections having charge of said registration of electors, he shall not be required to produce such certificate of naturalization or any other evidence thereof, but the registrars may require such declaration to be made upon oath or affirmation, and the word "registration" shall be noted opposite his name in the column under the heading "remarks." The column as to "date of registration" must be filled with the date on which the application was actually registered, and none other.

3. After the answer of the applicants to the questions under the head of each and every column have been properly entered by the registrar in his presence, and not until then, he must enter his signature on the same line, and in both of the registers in the column "signatures." Signatures, when made by a mark, must be attested by at least one subscribing witness, who shall be an elector, and may be examined by the registrars under oath as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as "sworn" or "affirmed," as the case may be.

Signatures, by mark, attesting of.

4. Each of the registrars shall enter the statement of the applicants in the duplicate register kept by him, and both shall be signed by the applicant. At the close of each day's registration, the registrars shall compare their registers with each other, and correct any discrepancies in form before closing them for the day. The registrations for the day shall then be ruled off by double lines, to be drawn by the registrars across the page in ink and immediately under the last name and statement so registered. And the registrars shall make a note in writing under such double line, stating, "close of the first, second, etc., day's registration," and attest the same by their signatures in both registers. The register shall then be deposited by them at the end of each day at the office of the board of deputy state supervisors.

Duplicate register.

Registers, to be deposited each day, where.

5. All registers, when not in the official use of the registrars or the judges of the elections, shall at all times be deposited and locked up in the office of the board of deputy state supervisors of such city, subject to be produced for inspection at all proper times.

SECTION 2. That said sections 2926*h* and 2926*i* of the Revised Statutes of Ohio, as amended April 23, 1904, are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

158G.

[Senate Bill No. 337,]

AN ACT

To establish an Ohio state board of accountancy for the regulation of the practice of the profession of public accounting.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any citizen of the United States, or person who has duly declared his intention of becoming such citizen, being over the age of twenty-one years, of good moral character, a graduate of a high school or having received an equivalent education, who has had at least three years' experience in the practice of accounting, and who shall have received from the state board of accountancy, as hereinafter provided, a certificate of his qualifications to practice as a public expert accountant, shall be styled and known as a certified public accountant; and no other person or persons shall assume such title or use the abbreviation "C. P. A.," or any other words or letters to indicate that the person using the same is a certified public accountant.

Certificate of state board of accountancy, effect of.

SECTION 2. On or before the first day of July, one thousand nine hundred and eight, the governor shall appoint three persons, not more than two of whom shall belong to the same political party, to constitute and serve as a state board of accountancy. The members of such board shall be persons skilled in the knowledge and practice of accounting and actively engaged as professional public accountants within the state of Ohio. One member of such board shall be appointed for one year, one member for two years and one member for three years, and upon the expiration of their respective terms their successors shall be appointed for a term of three years. In case of a vacancy caused by resignation or otherwise the governor shall fill such vacancy by appointment for the unexpired term. Immediately upon its appointment the board shall organize by choosing one of its number as president and one as secretary and treasurer. The secretary and treasurer shall give bond in such sum as the board may determine. The board shall keep a complete record of all its proceedings.

State board of accountancy, appointment and qualifications of.

Term of office.

Record to be kept.

SECTION 3. An examination in "theory of accounts," "practical accounting," "auditing" and "commercial law as affecting accountancy," for applicants for such certificates, shall be held annually; but, if not less than five months after the annual examination, three or more persons apply to the board for certificates, the board shall hold an examination for such applicants. The time and place of each examination shall be fixed by the board.

Examinations.

SECTION 4. The board shall charge for the examination and certificate provided for in this act, a fee of twenty-five dollars. Such fee shall be paid to the treasurer of the board at the time of filing the application. In no case shall

Examination fee.

the examination fee be refunded, but an applicant may be re-examined within eighteen months from the date of his application without the payment of an additional fee. From the fees collected as herein provided, the board shall pay all expenses incident to such examinations, the expenses of preparing and issuing certificates, and to each member of the board, for the time actually expended in performing his duties, a sum not exceeding five dollars per day and his necessary traveling expenses. But in no case shall the expense incurred by the board or the compensation or traveling expenses of the members thereof, be a charge against any fund of the state.

Compensation of board.

SECTION 5. Any person who files his application within six months after the organization of the board and is at the time of filing such application a public accountant, and has practiced the profession of public accounting for at least three years, shall file with his application proof of such facts and proof that his general and special education is at least equal to the standard prescribed by this act. If the board shall be satisfied that the statements contained in such application and proofs are true and that the applicant possesses the general and special education required by the standards herein prescribed, it shall issue to the applicant a certificate as a certified public accountant without further examination.

Certificate issued, without examination.

SECTION 6. Any person who is a citizen of the United States or has declared his intention of becoming such citizen, over twenty-one (21) years of age, of good moral character, and who has complied with the rules and regulations of the board, and who holds a valid and unrevoked certificate as a certified public accountant issued by or under the authority of any other state, or of the United States or the District of Columbia, or any territory of the United States, or by or under the authority of a foreign nation when the board shall be satisfied that their standards and requirements for certificate as a certified public accountant, are substantially equivalent to those established by this act, shall receive from the board a certificate as a "certified public accountant," and such person may thereafter practice as a certified public accountant and assume and use the name, title and style of "certified public accountant" or any abbreviation or abbreviations thereof, in the state of Ohio.

Foreign certificates, effect of.

SECTION 7. The state board of accountancy may revoke any certificate issued under this act for sufficient cause, provided that written notices shall have been mailed to the holder of such certificate at his last known address at least twenty days before any hearing thereon, stating the cause of such contemplated action, and appointing a time for a hearing thereon by the board; and, provided further, that no certificate issued under this act shall be revoked until such hearing shall have been held.

Revocation of certificates.

SECTION 8. If any person shall represent himself as having received a certificate as provided in this act, or

Practicing without authority.

shall practice as a certified public accountant or use the abbreviations "C. P. A.," or any other similar words or letters to indicate that the person using the same is qualified to practice in this state as a certified public accountant without having received such certificate as provided for by this act, or if any person having received a certificate as provided in this act, and having thereafter lost such certificate by revocation as herein provided, shall continue to practice as a public accountant, he shall be fined not less than ten dollars ($10.00) and not exceeding one hundred dollars ($100.00) for each offense.

Penalty.

SECTION 9. Nothing herein contained shall be construed so as to prevent any person from being employed as a public accountant within this state.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
159G.

[Senate Bill No. 355.]

AN ACT

To amend section 1036 of the Revised Statutes of Ohio relating to duties of the county auditor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1036 of the Revised Statutes of Ohio be amended so as to read as follows:

Duty of county auditor, as to taxes.

Sec. 1036. The auditor, after receiving from the auditor of state, and from such other officers and authorities as are legally empowered to determine the rates or amounts of taxes to be levied, for the various purposes authorized by law, statements of the rates and sums to be levied for the current year, shall forthwith proceed to determine the sums to be levied upon each tract and lot of real property, adding the taxes of any previous year that have been omitted, and upon the amount of personal property, moneys, and credits, listed in his county, in the name of each person, company or corporation, which shall be assessed equally on all real and personal property subject to such taxes, and set down in one or more columns, in such manner and form as the auditor of state prescribes; and in determining the amount of taxes to be levied upon the real and personal property subject to such taxes, if the amount chargeable against any piece of real property, or upon the personal property of any person, company or corporation, shall contain a fractional part of a cent, and such

Form, state auditor to prescribe.

fraction exceed five mills, it shall be set down as a whole cent, and if it consists of five mills or less, the mills shall be dropped; and in all cases where the whole amount of taxes upon the personal property, moneys, and credits, of any person, does not amount to ten cents, the auditor shall not enter the same upon the tax list, if such person has no other taxable property.

Fractions, how treated.

SECTION 2. That said original section 1036 be, and the same is, hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved Mav 9, 1908.

ANDREW L. HARRIS,
Governor.
160G.

[Senate Bill No. 369.]

AN ACT

To protect the lives of persons employed in the mines of Ohio, against the dangers of electricity and machinery and providing penalties for violation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That after three months from the passage of this act, in all mines in this state, where electricity is, or hereafter shall be used, as a part of the system, power, or means of mining and producing the coal from any of said mines, that the owner or operator of every such mine shall cause all wires conducting electricity in and about said mines, to be carefully and thoroughly insulated or protected in a safe manner as may be authorized by the state mine inspector, or his deputy, so that persons or animals coming in contact therewith will not be injured thereby. Provided, however, that trolley wires or other wires not capable of insulation shall be guarded by being placed at least three (3) inches deep within a groove or in such other manner as may be authorized by the state mine inspector, or his deputy, whose duty it will be, upon the written request of any mine owner, operator or person employed in such mine, to investigate all such wires that may be incapable of insulation and determine upon any proper method of guarding said wires other than by means of the aforesaid groove. And said inspector shall thereupon issue a certificate to the owner or owners of said mine, setting forth the method to be employed in the guarding of said wires, and keep a record of the same; thereupon within thirty (30) days from date of the certificate, it shall be the duty of the mine owner or operator, to guard such non-insulated wires in the manner required in said certificate.

Electricity, wires to be insulated or guarded.

Certificate of inspector.

Shields, for machinery.

SECTION 2. In all mines where mining machines are used, each of said machines shall be equipped and provided with a sufficient shield as may be authorized by the state mine inspector, or his deputy for the protection of those employed in or about the use and operation thereof; and said shield shall be kept in use constantly, while said machine is under operation.

Violation.

Penalty.

SECTION 3. Any corporation or person violating the provisions of section one of this act shall be fined not more than five hundred dollars, nor less than one hundred dollars; and for the violation of section two of this act not more than one hundred dollars.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
161G.

[Senate Bill No. 372.]

AN ACT

To define and punish the crime of making and publishing false financial statements.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Any person who knowingly makes or publishes in any way whatever, or permits, or causes to be so made or published, any book, prospectus, notice, report, statement, exhibit or other publication of or concerning the affairs, financial condition or property of any corporation, joint stock association, co-partnership or individual, which said book, prospectus, notice, report, statement, exhibit or other publication, shall contain any statement which is false or wilfully exaggerated and intended to deceive any person or persons as to the real value of any shares, bonds or property of said corporation, joint-stock association, co-partnership or individual, or any part of said shares, bonds or property, shall be fined not less than one hundred dollars or more than ten thousand dollars or imprisoned in the penitentiary not less than one or more than five years, or shall suffer both said fine and imprisonment.

False statements.

Penalty.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
162G.

Enrolled by mistake, but not printed.

163G.

[Senate Bill No. 387.]

AN ACT

To amend section 845 of the Revised Statutes, providing for the appointment of legal counsel by boards of county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 845 of the Revised Statutes be amended to read as follows:

Sec. 845. The board of county commissioners shall be capable of suing and being sued, pleading and being impleaded in any court of judicature, and of bringing, maintaining and defending all suits, either in law or in equity, involving an injury to any public, state or county road, bridge or ditch, drain or watercourse established by such board in its county, and for the prevention of injury to the same and any such board of county commissioners shall be liable in its official capacity for any damages received by reason of its negligence or carelessness in keeping any such road or bridge in proper repair, and to ask, demand and receive, by suit or otherwise, any real estate or interest therein, whether the same is legal or equitable, belonging to the county or any sum or sums of money or other property due to such county, and the money so recovered in any case shall be paid into the treasury of the county, and the board shall take the treasurer's receipt therefor and file the same with the county auditor.

Liability of commissioners, for negligence.

In counties in which said board shall find it necessary for the clerk to devote his entire time to the discharge of the duties of such position said board shall have authority to appoint a clerk, in lieu of the auditor under section 1021 of the Revised Statutes, and the necessary assistants to such clerk. Such clerk shall perform such duties as may be required by law and by said board.

Clerk, appointment of.

Said board may employ a superintendent, and such watchmen, janitors and other employes, as may be necessary for the care and custody of the court house, jail, and all other county buildings, and of all bridges, and other property under the jurisdiction and control of said board.

Court house, etc., care of.

Whenever in any county the services of an engineer are required with respect to roads, turnpikes, ditches or bridges or to their improvement or construction, or with respect to any other matter, requiring the services of an engineer, and whenever said board, on account of the amount of work to be performed, shall deem it necessary, said board, upon the written request of the county surveyor, may employ a competent engineer and as many assistant engineers, rodmen and inspectors, as may be needed, and

Engineer, employment of.

shall furnish said engineer and assistants with suitable offices and with the necessary books, stationery, instruments and implements for the proper performance of the duties required of such persons. Said engineers, assistants, rodmen, and inspectors shall perform such duties as may be imposed on them by such board.

Legal counsel, employment of; duties.

Whenever, upon the written request of the prosecuting attorney, the board of county commissioners of any county deems it advisable, it may employ legal counsel and the necessary assistants upon such terms as it may deem for the best interests of the county, for the performance of the duties herein enumerated. Such counsel shall be the legal adviser of the board of county commissioners, and of all other county officers, of the annual county board of equalization, the decennial county board of equalization, the decennial county board of revision, and the board of review; and any of said boards and officers may require of him written opinions, or instructions in any matters connected with their official duties. He shall prosecute and defend all suits and actions, which any of the boards above named may direct, or, to which it or any of said officers may be a party, and shall also perform such duties and services as are now required to be performed by prosecuting attorneys under sections 799, 1274, 1277, 1278*a*, and 3977 of the Revised Statutes, and as may at any time be required by said board of county commissioners.

Compensation.

Said board of county commissioners shall fix the compensation of all the persons appointed or employed under the provisions of this act, which compensation together with their reasonable expenses shall be paid out of the county treasury upon the allowance of said board.

None of the provisions of section 2834*b* of the Revised Statutes shall apply to the appointment or employment herein authorized to be made.

SECTION 2. That said section 845 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

164G.

[Senate Bill No. 392.]

AN ACT

To amend section 5109 of the Revised Statutes of Ohio relating to the verification of pleadings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5109 of the Revised Statutes of the state of Ohio be amended so as to read as follows, to-wit:

Sec. 5109. The affidavit verifying a pleading can be made by the agent or attorney only— Affidavit, by agent or attorney only.

1. When the facts are within the personal knowledge of the agent or attorney.

2. When the plaintiff is an infant, or of unsound mind, or imprisoned.

3. When the pleading to be verified is founded upon a written instrument for the payment of money, and such instrument is in the possession of the agent or attorney.

4. When the party is a corporation, or is not a resident of, or is absent from the county.

SECTION 2. That said section 5109 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
165G.

[Senate Bill No. 395.]

AN ACT

To provide for probation for persons convicted of felonies and misdemeanors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. In all prosecutions for crime except as hereinafter provided, where the defendant has pleaded or been found guilty, and where the court or magistrate has power to sentence such defendant to be confined in or committed to the penitentiary, the Ohio state reformatory, any jail, workhouse, or a correctional institution, and it appears that the defendant has never before been imprisoned for crime, either in this state or elsewhere, (but detention in First offense.

an institution for juvenile delinquents shall not be considered as imprisonment) and where it appears to the satisfaction of the court or magistrate that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and where it may appear that the public good does not demand or require that the defendant shall suffer the penalty imposed by law, said court or magistrate may suspend the execution of the sentence and place the defendant on probation in the manner hereinafter provided. Nothing in this act contained shall in any manner affect the laws providing the method of dealing with juvenile delinquents.

Suspension of execution.

Exceptions to probation law.

SECTION 2. No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without consent, assault with intent to rape, or administering poison shall have the benefit of probation.

SECTION 3. Whenever a sentence to the penitentiary or to the Ohio state reformatory has been imposed, but the execution thereof has been suspended and the defendant placed on probation, the effect of such order of probation shall be to place said defendant under the control and management of the board of managers of the institution to which he would have been committed, and he shall be subject to the same rules and regulations as apply to persons paroled from said institutions after a period of imprisonment therein.

Order of probation, effect of.

SECTION 4. It shall be the duty of the board of managers of the penitentiary and the board of managers of the state reformatory to furnish the clerk of courts of each county with blank forms setting forth the requirements and conditions used by them in the parole of prisoners of their institutions, but amended so as to be applicable to cases of probation.

Blank forms, furnished to clerk of courts.

SECTION 5. Whenever it is the judgment of the court that the defendant be placed upon probation and under the supervision of the penitentiary or the Ohio state reformatory, it shall be the immediate duty of the clerk of said court to make a full copy of the judgment of the court, with the order for the suspension of the execution of sentence thereunder and the reasons therefor, and to certify the same to the warden of the penitentiary or to the superintendent of the Ohio state reformatory, to which said court would have committed the defendant but for the suspension of the sentence. Upon entry in the records of the court of the order for such probation, the defendant shall be released from custody of the court as soon as the requirements and conditions required by the board of managers have been properly and fully met.

Duty of clerk of court as to certifying copy of judgments.

Release of defendant.

SECTION 6. The board of managers of the penitentiary and the board of managers of the Ohio state reformatory shall appoint and employ one or more officers, to be known as field officers, for their respective institutions, who shall carefully look after the welfare of all persons whose

Field officers, appointment of.

sentences have been suspended, and those who have been paroled from said institutions after a period of imprisonment therein.

SECTION 7. Whenever a person placed upon probation, as aforesaid, does not conduct himself in accordance with the rules and regulations of the institution in whose charge he has been placed, a field officer thereof may, without warrant or other process, arrest said person and convey him to said institution, and the board of managers may, after a full investigation and a personal hearing, because of such conduct, forthwith terminate the probation and cause said person to suffer the penalty of the sentence previously suspended. Any person under probation who has violated the conditions of his probation shall, upon order of the board of managers, be subject to arrest in the same manner as in the case of an escaped convict. In all cases of such termination of probation, the original sentence shall be considered as beginning upon the first day of imprisonment in the institution.

Probation, terminated, in certain cases.

SECTION 8. Whenever it is the judgment of the board of managers that a person on probation has satisfactorily met the conditions of his probation, they shall cause to be issued to said person a final discharge from further supervision; provided that the length of such period of probation shall not be less than the minimum or more than the maximum term for which he might have been imprisoned.

Final discharge.

SECTION 9. The auditor of state shall issue his warrant upon the state treasurer to pay from the appropriation for conviction and transportation of convicts, the salaries and necessary expenses of the field officers, upon presentation of itemized vouchers properly approved by the board of managers. In the same manner shall be paid the salaries and expenses of the parole officers of the boys' industrial school and the girls' industrial home.

Salaries, how paid.

SECTION 10. In all cases where the sentence of the court or magistrate is that the defendant be imprisoned in a workhouse, jail, or other institution except the penitentiary or the Ohio state reformatory, or that the defendant be fined and committed until said fine be paid, the court or magistrate at its discretion, may suspend the execution of said sentence and place the defendant on probation, and in charge of a probation officer named in such order, in the following manner:

1. In case of sentence to a workhouse, jail or other correctional institution, the court or magistrate may suspend the execution of the sentence and may direct that such suspension continue for such period of time, not exceeding two years, and upon such terms and conditions as it shall determine.

Sentence to workhouse, jail, etc.

2. In case of a judgment of imprisonment until a fine be paid, the court may direct that the execution of the sentence be suspended on such terms as it may determine and

Fine, opportunity to pay, given.

shall place the defendant on probation to the end that said defendant may be given the opportunity to pay the fine within a reasonable time; provided, however, that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

SECTION 11. In all cases of probation provided for in section 10 of this act, no order for probation shall be issued, unless the court or magistrate designate some suitable person to act as probation officer in such case and who shall make written reports, at designated periods not less than once each month, concerning the conduct of any probationer in his charge. Said probation officer shall be entitled to necessary expenses in the performance of his duty, and, for cause hereinafter named, may, without warrant or other process, at any time until the final disposition of the case, rearrest any person so placed in his care, and bring him before the court, or the court or magistrate may, at its discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice requires, and if the court or magistrate shall have reason to believe from the report of a probation officer or otherwise that the probationer is violating the conditions of his probation or is engaging in criminal practice, or has become abandoned to improper associates, or to a vicious life. Upon such revocation and termination, the court or magistrate may pronounce judgment at any time after the said suspension within the longest period for which the defendant might have been sentenced, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence. The court or magistrate shall have power at any time during the term of probation to revoke or modify its order of execution of sentence, and may at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held in probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court or magistrate has not seen fit to revoke the order of probation, the defendant at the end of the term of probation shall be by the court discharged.

Reports of probation officers.

Rearrest, warrant issued for.

Judgment, after probation terminated.

Termination of probation.

SECTION 12. In all municipalities where there is now, or hereafter may be, established a police court, the council shall by ordinance provide for the appointment of one or more persons to be known as probation officers, who shall devote all of their time to the interests of persons placed upon probation and, upon the order of the police court, investigate the circumstances of any case that may come before said court for final jurisdiction. Said probation officers shall be appointed by the police court and serve at its pleasure and shall receive such compensation as the council shall by ordinance prescribe. In case a member of the police department is appointed probation officer, he shall have the privilege of returning at any time thereafter to the

Police court, probation officers of.

active service in such department and to the same rank and standing as he held at the time of appointment as probation officer.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
166G.

[Senate Bill No. 406.]

AN ACT

To regulate the sale of commercial fertilizers and to amend sections 4446*a*, 4446*b*, 4446*d*, 4446*f*, 4446*g*, 4446*h* and 4446*i* of the Revised Statutes of Ohio and to repeal certain sections therein named.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4446*a*, 4446*b*, 4446*d*, 4446*e*, 4446*f*, 4446*g*, 4446*h* and 4446*i* of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4446*a*. Every manufacturer of commercial fertilizers, and every person, firm or company, who shall sell, offer for sale, or expose for sale any commercial fertilizer in this state, shall affix to every package of such commercial fertilizers, in a conspicuous place on the outside thereof, a plainly printed certificate stating the number of net pounds contained in the package so sold or offered for sale, the name, brand, or trade mark under which it is sold, the name of the manufacturer, the place of manufacture, and if the manufacturer controls or operates one or more branch or subsidiary companies, the name of the manufacturer and the name of the company for whom the goods were manufactured. Such certificate shall also contain a chemical analysis, stating the minimum percentages guaranteed of ammonia in an available form, of potash soluble in water, of phosphoric acid in an available form (the available comprising the soluble and reverted) and of the insoluble phosphoric acid, and the source of the insoluble phosphoric acid, whether animal or mineral. No other form of analysis shall be used and no duplication of the terms or any equivalents of the same in other terms (other than nitrogen or its equivalent in ammonia), or any figures of percentages higher than the lowest actually guaranteed shall be affixed to any package, or be printed upon the bags, or sample packages, or be used in any printed matter descriptive of the same; and no false or misleading name, brand or trade mark shall be used in designating any commercial fertilizer

Certificate, what to state.

Chemical analysis.

Misleading names, etc., forbidden.

or a name, brand or trade marke indicating or denoting that the essential ingredients thereof were obtained from bone or animal substances, when in fact the source of the same was wholly or in part a mineral susbtance. For the purpose of this act any material that has been so heated as to destroy the organic matter shall be considered as a mineral substance. No commercial fertilizer shall be sold or offered for sale when the percentage of essential ingredients is less than the following, to-wit: For a complete fertilizer, the sum of ammonia, available phosphoric acid and potash must total eleven per cent.; no complete fertilizer shall be offered for sale containing less than one per cent. ammonia; for a mixed fertilizer without ammonia, the sum of available phosphoric acid and potash must total twelve per cent.; no mixed fertilizer shall be offered for sale containing less than two per cent. potash; for an acid fertilizer, the available phosphoric acid must total twelve per cent.

Complete fertilizer.

Mixed fertilizer.

Acid fertilizer.

Sec. 4446*b*. Before any commercial fertilizer is sold or offered for sale, the manufacturer, importer or party who caused it to be sold or offered for sale within the state of Ohio, shall file with the secretary of the Ohio state board of agriculture a certified copy of the certificate referred to in section 4446*a*.

Certificate, where filed.

Sec. 4446*d*. All analyses of commercial fertilizers sold within the state shall be made by or under the direction of the secretary of the Ohio State Board of Agriculture, and paid for out of the fund arising from the license fees provided for in section 4446*c*. At least one analysis of each fertilizer sold shall be annually made, and any surplus arising from license permits shall be placed to the credit of the agricultural fund.

Analyses, cost of, how paid.

Sec. 4446*e*. The secretary of the Ohio state board of agriculture shall publish annually a correct report of all analyses made and certificates filed, together with the relative commercial value of each fertilizer computed from its analysis in such manner as he may determine; he shall also publish for comparison the analysis guaranteed by the manufacturer. Such publication shall contain a statement of moneys received on account of license fees and expended under this act.

Annual report, publication of.

Sec. 4446*f*. Any person or party who shall offer or expose for sale, or sell any commercial fertilizer without complying with the provisions of sections 4446*a*, 4446*b* and 4446*c* of the Revised Statutes, or shall permit an analysis to be attached to any package of such fertilizer, stating that it contains a larger percentage of any one or more of the constituents named in section 4446*a* than it really does contain, shall be fined not less than fifty nor more than two hundred dollars for a first offense, and for a second or subsequent offense shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not more than six months, or both: provided that a deficiency of six per cent. or less in the total money value of the product

Violation.

Penalty.

as computed by the secretary of the state board of agriculture shall not be evidence of criminal intent.

Duty of attorney general and prosecuting attorney.

Sec. 4446*g*. It shall be the duty of the attorney general or any prosecuting attorney to prosecute all violations of this act.

Selection of sample of two pounds for analysis.

Sec. 4446*h*. The secretary of the Ohio state board of agriculture or any person by him deputized, is hereby empowered to select from any package of commercial fertilizer, exposed for sale in any county of Ohio, or in the possession of any dealer, consumer or transportation company, a quantity not exceeding two pounds which quantity shall be for analysis to compare with the sample deposited with said secretary, as provided in section 4446*b*, and with the printed certificate found on the package so exposed for sale.

Analysis, provisions as to.

Sec. 4446*i*. To facilitate the inspection of fertilizers, the secretary of the Ohio state board of agriculture is authorized to require all manufacturers making shipments into or within the state to notify him of the kinds, amounts, dates, destinations and consignees of all such shipments. And any person not a dealer in, or agent for the sale of any fertilizer who may purchase any commercial fertilizer in this state for his own use and not for sale, may take a sample of same for analysis, which analysis shall be made by or under the direction of the secretary of the Ohio state board of agriculture. Such sample for analysis shall be taken by the purchaser in the presence of the person, company or agent selling the fertilizer, from at least ten (10) per cent. of the sacks or other packages comprising the whole lot purchased; provided, however, that if the number of sacks comprising the whole lot purchased, be less than one hundred, then samples shall be taken from not less than ten sacks; and if the number of sacks comprising the whole lot purchased, be less than ten, the samples shall be taken from each sack and all such samples shall be taken in the manner and as prescribed and required by the secretary of the Ohio state board of agriculture, and the samples shall in all cases be taken from dry and undamaged goods and from packages or sacks that have not theretofore been opened, broken or resacked and said samples shall be taken at the time and place of delivery to the purchaser, and shall be thoroughly mixed and at least two pounds of the material after mixing must be put into two cans or jars, one of which, securely sealed and marked in such a way as to surely identify the sample and show by whom it was sent, without giving the name of the fertilizer or the person from whom it was purchased, and must be forwarded by express all charges prepaid to the secretary of the Ohio state board of agriculture, Columbus, Ohio, accompanied by a fee of three dollars, the other sample so securely sealed shall be turned over to the company or agent selling same. The purchaser shall also send with the sample a certificate signed by himself and two disinterested witnesses, stating that the sender has purchased the fertilizer for his own use and not for sale, and that the sample was taken in the man-

Samples, quality of.

Fee for analysis.

ner prescribed in this section. Provided, however, that if the person, company or agent shall refuse to witness the taking of the sample, then the sample may be taken in the manner already described in the presence of two disinterested witnesses who shall certify to the manner of taking the sample. The purchaser shall preserve the printed certificate from one of the bags or other packages sampled to be sent to the secretary of the Ohio state board of agriculture after having received the report of analysis of the sample, and at the same time he shall furnish to the secretary of the Ohio state board of agriculture the name and address of the firm of whom the fertilizer was purchased and the amount purchased; and any person having sent a sample for analysis, under the provisions of this section, who shall, after having received the report of analysis of same, refuse to furnish the required information, shall thereafter forfeit the privilege of analysis of fertilizers, under this section. But if any sample shall have been submitted for analysis, without all the requirements of this section having been complied with, the secretary of the Ohio state board of agriculture shall inquire into the case and may accept the sample for analysis if he believes that it is a fair sample of the fertilizer as it was delivered to the purchaser. Provided, however, that no provisions of this act shall apply to any fertilizer purchased from the manufacturer by a retail dealer prior to October 15, 1908, provided that the amount of such fertilizer in the hands of such retail dealer does not exceed three tons.

Certificate of witnesses.

Privilege of analysis, forfeited.

SECTION 2. That sections 4446*a*, 4446*b*, 4446*d*, 4446*e*, 4446*f*, 4446*g*, 4446*h*, 4446*i* and 7002 of the Revised Statutes of Ohio be and the same are hereby repealed and this act shall take effect and be in force from and after the first day of November, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
167G.

[Senate Bill No. 409.]

AN ACT

To amend section 8 of an act entitled, "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for parks and pleasure resort purposes," as amended April 2, 1906, (98 v. 362) relating to metal plates to be affixed to licensed boats.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8 of an act entitled, "An act for the control and management of lakes, reservoirs and state lands, dedicated to the use of the public for park and pleasure resort purposes," passed April 28th, 1902, as amended by an act passed April 2nd, 1906 (Vol. 98 O. L. p. 362), be amended so as to read as follows:

Sec. 8. In carrying out the provisions of section 7 of an act entitled, "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," passed April 28, 1902, the joint board, provided for in the said section of this act, shall procure suitable metal plates; to be numbered consecutively, to be issued annually to parties desiring to use boats on the waters of such public parks, for which the fees provided for in section 7 of said act shall be charged.

Metal plates for boats.

No person shall maintain or operate a boat on the waters of any such public park or pleasure resort, without first obtaining the necessary permit provided for by section 7 of this act, and without displaying, at all time, such metal plate, in a conspicuous manner, upon the side or end of his boat, unobscured by paint or other covering.

Violation.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than fifty dollars, nor less than ten dollars, and stand committed until such fine and costs are paid. Justices of the peace shall have jurisdiction within their respective counties in all cases of violation of this act, and neither party shall be entitled to a trial by jury.

Penalty.

Police patrolman, power of.

Every police patrolman appointed by the board of public works and the chief engineer of the public works to preserve order and protect the public, in accordance with the provisions of section 3 of this act, may arrest on view or warrant and bring to justice any person violating any of the provisions of this act, and if in making an arrest, it is necessary for such police patrolman to take possession of and hold any boat or boats or other property, he shall not be held liable for the loss of or any damage done to any boat or boats or other property taken and held by the reason of the failure of the owner or owners thereof to comply with the provisions of this act, providing ordinary care is exercised in the handling thereof, and it shall be unlawful for

any person to take possession of any boat or other property which has been taken in charge of by a police patrolman or other officer as provided for in this section, until such police patrolman or other proper officer has released the same, and any person doing so shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding twenty-five dollars, nor less than five dollars, and shall stand committed until such fine and costs are paid.

Violation.

Penalty.

SECTION 2. That said section 8 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
168G.

[Senate Bill No. 320.]

AN ACT

Relative to challenging jurors and to amend section 7277 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7277 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7277. Except as otherwise provided, the prosecuting attorney and every defendant may peremptorily challenge four of the panel, and any of the panel for cause.

Peremptory challenges.

SECTION 2. That said original section 7277 of the Revised Statutes is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
169G.

[Senate Bill No. 416.]

AN ACT

To amend section 2733 of the Revised Statutes of Ohio and relating to taxation of lands held under lease for terms exceeding fourteen years.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2733 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 2733. All lands held under lease for any term exceeding fifteen years, and not subject to re-valuation belonging to the state or any municipal corporation, or to any religious, scientific or benevolent society, or institution, whether incorporated or unincorporated, or to trustees for free education only, and school and ministerial lands, shall be considered for all purposes of taxation as the property of the person or persons holding the same, and shall be assessed in their name. **Leases for more than fifteen years, taxes upon.**

SECTION 2. That said section 2733 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
170G.

[Senate Bill No. 424.]

AN ACT

To provide for a committee of women to visit the state benevolent, correctional and penal institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The governor shall appoint, not later than May 1, 1908, and each year thereafter, a committee consisting of six women, to visit the benevolent, correctional and penal institutions of the state. The term of appointment shall be for one year. **Visiting committee of six women.**

SECTION 2. It shall be the duty of such committee to visit such benevolent, correctional and penal institutions as often and at such times as they deem proper to ascertain whether the purposes of the institutions are being successfully carried out and whether the inmates are receiving reasonable care and attention, provided that such committee shall visit such institutions not less than twice during each year. They shall prepare a complete report in writing con- **Duties of committee.**

cerning their observations and conclusions and present the same to the board of state charities.

No compensation.

SECTION 3. The members of said committee shall receive no compensation, but, upon presentation of properly certified and itemized statements of necessary expenses incurred in the performance of their duties, the board of state charities shall order the payment of the same from any money apropriated for this purpose.

SECTION 4. That sections 675*a*, 675*b*, 766 and 767 of the Revised Statutes be and the same hereby are repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
171G.

Enrolled by mistake, but not printed.

172G.

[Senate Bill No. 453.]

AN ACT

To amend sections 4073 and 4081 of the Revised Statutes of Ohio, to provide for the granting and revocation of teachers' certificates, age limit and hearing on revocation of certificates in counties, and in city school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4073 of the Revised Statutes relative to county teachers' certificates be amended so as to read as follows:

Teachers' certificates, granting of.

Sec. 4073. County boards of school examiners may grant teachers' certificates for one, two, three, five and eight years from the day of the examination; and said certificates shall be valid in all village, township, and special school districts of the county wherein they are issued; but in all school districts situated in two or more counties, teachers' certificates obtained in either county shall be valid in such districts. All teachers' certificates granted for one, two or three years shall be regarded as provisional certificates, and shall be issued and renewed only in compliance with such reasonable regulations and standards and upon such ratios as the board may adopt. But when any teacher holds a two year or three year certificate and has for the last five years preceding been continuously engaged in teaching in the state of Ohio, such teacher shall be entitled to have such

Provisional certificates, defined.

certificate renewed by passing an examination in theory and practice. All certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewed without examination at the discretion of the examining board, provided that no such certificate shall be renewable if the holder thereof has not been actively engaged in teaching within the four years preceding. Such professional certificate shall be valid in any county in the state. County boards of school examiners may at their discretion issue certificates without formal examinations to holders of certificates granted by other county and city boards of school examiners.

Professional certificates, defined.

Certificates, of other counties, effect of.

Each county board of school examiners may make its own regulations to grant certificates without formal examinations, except in theory and practice of teaching and in the science of education, to graduates of schools for the training of teachers, providing at least a two-years' course of study in addition to graduation from a first grade high school, and of colleges or universities, providing at least a four years' course of study in addition to graduation from a first grade high school, as may be approved by them. Certificates thus granted to such graduates may be issued, on application within one year after graduation, first for one year; and at their expiration, on satisfactory evidence of success in teaching, certificates for longer terms may be issued.

Regulations, as to issue of certificates without examination.

Between regular examinations, county boards of school examiners may, at their discretion, issue temporary certificates, which shall be valid only until the next regular examination held by said boards after the issue of said certificates.

Temporary certificates.

No certificate shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; but before any hearing is had by a board of examiners on the question of the revocation of a teacher's certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board; and the teacher shall be notified in writing as to the nature of the charges and the time set for the hearing, such notice to be served personally or at his residence; and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath or affirmation touching the matter under investigation and said oath or affirmation may be administered by any member of the board of examiners. The fees and the per diem of examiners for conducting such investigation at three dollars a day each and other expenses of such trial shall be certified to the county auditor by the clerk and president of the examining board and

Minimum age limit.

Revocation of certificate.

Fees for examiners conducting investigation.

be paid out of the county treasury upon the order of the auditor.

SECTION 2. That section 4081 of the Revised Statutes relative to teachers' certificates in cities be amended so as to read as follows:

City board of examiners.

Sec. 4081. Each city board of school examiners may grant teachers' certificates for one, two, three, five and eight years from the day of examination; and said certificates shall be valid within the district wherein they are issued. All teachers' certificates granted for one, two or three years shall be regarded as provisional certificates and shall be issued and renewed only in compliance with such reasonable regulations and standards and upon such ratios as the board may adopt.

Provisional certificates.

But when any teacher holds a two or three year certificate and has for the last five years preceding been continuously engaged in teaching in the state of Ohio such teacher shall be entitled to have such certificate renewed by passing an examination in theory and practice. All certificates granted for five years, or eight years, shall be regarded as professional certificates and shall be renewed without examination at the discretion of the examining board, provided that no such certificate shall be renewable if the holder has not been actively engaged in teaching within the four years preceding. Such professional certificate shall be valid in any city in the state. City boards of school examiners at their discretion may issue certificates without formal examinations to holders of certificates granted by other city and county boards of school examiners.

Professional certificates.

Regulations, as to granting certificates without examinations.

Each city board of school examiners may make its own regulations to grant certificates without formal examinations, except in theory and practice of teaching and in the science of education, to graduates of schools for the training of teachers, providing at least a two-years' course of study in addition to graduation from a first grade high school and of colleges or universities, providing at least a four-years' course of study in addition to graduation from a first grade high school, as may be approved by them. Certificates thus granted to such graduates may be issued, on application within one year after graduation, first for one year; and at their expiration, on satisfactory evidence of success in teaching, certificates for longer terms may be issued.

Temporary certificates.

Between regular examinations, city boards, of school examiners may at their discretion, issue temporary certificates, which shall be valid only until the next regular examination held by said board after the issue of said certificates.

Minimum age limit.

No certificates shall be issued to any person who is less than eighteen years of age; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate, but such revocation shall not

Revocation of certificate.

prevent a teacher from receiving pay for services previously rendered, but before any hearing is had by a board of examiners on the question of the revocation of a teacher's certificate, the charges against the teacher shall be reduced to writing and placed upon the records of the board, and the teacher shall be notified in writing as to the nature of the charges and the time and place set for the hearing. Such notice shall be served either personally or at the residence of the teacher whose certificate, it is proposed to revoke and the teacher shall be entitled to produce witnesses and defend himself; the examining board shall have power to send for witnesses and examine them on oath touching the matter under investigation, and said oath or affirmation may be administered by any member of the board of examiners. The fees and the per diem of examiners for conducting such investigation, at three dollars a day each, and other expenses of such trial shall be certified to the city auditor by the clerk and president of the examining board, and be paid out of the city treasury upon the order of the city auditor.

Fees for examiners conducting investigation.

SECTION 3. That said sections 4073 and 4081 of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

173G.

[Senate Bill No. 456.]

AN ACT

To amend section 4925 of the Revised Statutes of Ohio, as amended April 26, 1904 (97 O. L. 482) and section 4926 of the Revised Statutes of Ohio (69 O. L. 179) relating to levying of taxes for the improving or repairing of roads by county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4925 of the Revised Statutes of Ohio, as amended April 26, 1904, (97 O. L. 482) and section 4926 of the Revised Statutes of Ohio, be so amended as to read as follows:

Sec. 4925. When a majority of all landowners residing in the county, who own lands lying within the bounds of any state road, county road, township road, or turnpike road, file a petition with the county commissioners asking for an extra tax to be levied for the purpose of construct-

Petition for extra tax levy.

ing, improving, or repairing such road, said county commissioners shall levy such tax as in their judgment may be required, not to exceed five mills on the dollar valuation in any one year, on all the lands and personal taxable property for a distance on each side of such road not exceeding one mile, and in no case more than one-half the distance from such road to any other state, county, township, or free turnpike road running parallel or nearly parallel thereto. Provided, that upon the filing of such petition the county commissioners shall give notice of the time of hearing of such petition by publication once a week for two weeks prior to the consideration thereof in a newspaper of general circulation in the county, and shall provide for the payment of costs as in case of road commissioners under the one mile assessment pike laws.

Notice of time of hearing, by publication.

If upon the hearing on said petition the county commissioners shall grant the prayer of the petitioners, they shall appoint three judicious freeholders of the county resident within the bounds of said state, county, township, or free turnpike road sought to be improved or repaired, who shall constitute a board of road commissioners for the purpose of the improvement or repair of said road as prayed for in said petition and who shall have the same powers and discharge the same duties as in case of free turnpike road commissioners under the one mile free turnpike assessment laws.

Road commissioners. powers of.

Levy, continuance of.

Sec. 4926. When any such tax is levied, it shall continue for the period petitioned for not exceeding five years, unless at the expiration of the period petitioned for, or the term of five years, the petition or request be renewed; and in that event, such tax may be levied for an additional period not exceeding five years longer.

Bonds, issue and sale of.

Bonds may be issued and sold in anticipation of the amount to be raised by the levy of such tax, and sold as now provided by law, in like cases.

SECTION 2. That said original sections 4925 and 4926 are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
174G.

[Senate Bill No. 457.]

AN ACT

To amend section 3 and section 7 of an act entitled, "An act to establish 'A court of insolvency' in counties containing a City of the Second Grade of the First Class, and for the relief of the probate court in such counties," passed March 11th, 1896, relating to the salary of judges of insolvency courts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3 and 7 of an act entitled, "An act to establish 'A court of insolvency' in counties containing a city of the second grade of the first class, and for the relief of the probate court in such counties," passed March 11th, 1896, be, and the same are hereby amended to read as follows:

Judges of insolvency courts, compensation of.

Sec. 3. Said judge when elected shall give a like bond and be qualified and shall receive the same compensation as the judge of the probate court of said county wherein such courts of insolvency are established, and shall be paid out of the county treasury on the warrant of the county auditor, in monthly installments. But he shall receive from the county treasury no fees or perquisites in addition to the compensation above provided for. The bond of said judge shall be in the sum of five thousand dollars, and shall be approved by the commissioners of said county, and deposited with the county treasurer thereof.

Duties of judges of insolvency courts.

Sec. 7. Each judge shall have the care and custody of all files, papers, books and records belonging to the court of insolvency, and is authorized and empowered to perform all duties as clerk of his own court, and each judge may appoint a deputy clerk or clerks, each of whom shall, before entering upon the duties of his appointment, take an oath of office; and when so qualified, each deputy may perform any and all the duties pertaining to the office of clerk of the court, and each deputy clerk is authorized to administer oaths in all cases in which it is necessary in the discharge of his duties as such clerk. Each judge of said court may take such security from his deputy as he deems necessary to secure the faithful performance of the duties of his appointment. And the compensation of such deputy clerk or clerks shall be determined and fixed by the county commissioners in the manner provided for fixing the compensation of deputies of probate judges, sheriffs, etc., in section 3 of an act passed March 22nd, 1906, entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriff, and to provide for the employment and compensation of their clerks, deputies and assistants," and said compensation so fixed shall be paid out of the county treasury on the warrant of the county auditor, in monthly installments.

Compensation of deputy.

SECTION 2. That said original sections 3 and 7 of said act of March 11th, 1896, and all acts or parts of acts inconsistent herewith, be, and the same are, hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
175G.

[Senate Bill No. 462.]

AN ACT

To supplement section 7160 of the Revised Statutes of Ohio by the enactment of a section to be known as section 7160*a*, to provide for a continuous bond in criminal cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7160 of the Revised Statutes of Ohio, be and the same is hereby supplemented by a section to be known as section 7160*a*, as follows:

Sec. 7160*a*. And in all cases in which an indictment or presentment is returned into the court of common pleas, such court shall require the accused to enter into a recognizance in such an amount as the court may fix. And it shall not be necessary to renew such recognizance at the end of the term, or at any other time, except upon motion made to the court, or the court may upon its own motion renew the same, or, for proper cause shown, increase or decrease such recognizance. And said recognizance, when so given, shall be conditioned that the defendant abide the order and judgment of the court and appear from day to day and not depart without leave until such case is finally disposed of. And it shall not be necessary, when said recognizance is so executed, for the accused to give any other recognizance pending any prosecution for error, but such recognizance shall continue and be in full force throughout the prosecution in error. But the court in which such error is prosecuted may for good cause shown increase or decrease such recognizance or remand the accused to the sheriff of the county in which such indictment or presentment was returned. Provided, that when two or more indictments or presentments are returned against the same

Recognizance; amount of; renewal of.

Recognizance, conditions of.

Recognizance, continuance of.

person at the same term, the recognizance given may be made to include all offenses charged therein.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
176G.

[Senate Bill No. 466.]

AN ACT

To amend section 1500*a* of the Revised Statutes of Ohio, as amended April 26, 1898, relating to removal of foreign paupers to their own county, costs and notice to foreign directors and burial of paupers dying in public benevolent institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1500*a* of the Revised Statutes of Ohio be and hereby is amended to read as follows:

Duty of trustees or proper officer as to burial of dead, in certain cases.

Sec. 1500*a*. When information is given to the trustees of any township or proper officer of a corporation, that a dead body of any person, having a legal settlement in the county, or whose legal settlement is not in the state or whose settlement is unknown and not the inmate of a penal, reformatory, benevolent or charitable institution, has been found in such township or corporation and such body is not claimed by any person for private interment at his own expense or delivered for the purpose of medical or surgical study or dissection in accordance with law, they shall cause the said body to be buried at the expense of the township or corporation, but if the township trustees or proper officer of the corporation notify the infirmary directors then the infirmary directors shall cause the body to be buried at the expense of the county. Provided, however, that in any township in which is located a state benevolent institution, that the trustees of said township shall pay all expenses of the burial of any pauper that may die in such institution, and the said township trustees shall send an itemized bill of the expenses of such burial of said pauper to the infirmary directors of the county from which said pauper was sent to said benevolent institution, and the infirmary directors of the said county shall immediately pay said bill to the trustees of the township in which said benevolent institution is located.

Pauper, dying in benevolent institution, burial of.

SECTION 2. That said section 1500*a*, as amended April 26, 1898, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
177G.

[Senate Bill No. 469.]

AN ACT

To provide for a method by which railroads may cross the tracks of other railroad companies, and to repeal an act entitled, "An act to amend section 1 of an act entitled, 'An act to provide for one steam railroad crossing another steam railroad,'" passed April 23rd, 1904, relating to the crossing of railroads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That where it becomes necessary outside the corporate limits of a city or village for the track or tracks of a steam, street, electric or interurban railroad company to cross the track or tracks of another steam, street, electric or interurban railroad company, where it becomes necessary within the corporate limits of a city or village for the track or tracks of a steam, street, electric or interurban railroad company to cross the track or tracks of another steam, street, electric or interurban railroad company, other than within the limits of a public street or highway, unless the manner of such crossing shall be agreed to between such companies, it shall be the duty of the court of common pleas of the county wherein such crossing is located, or a judge thereof in vacation, on application of either party, to ascertain and define by its decree the mode of such crossing which will inflict the least practical injury upon the rights of the company owning or operating the road which is intended to be crossed; and, if in the judgment of such court or such judge thereof, it is reasonable and practicable to avoid a grade crossing it shall by its process prevent a crossing at grade; but in determining the mode of such crossing, no grade shall be required to exceed the established maximum or ruling grade governing the operation by motive power of that division or part of the railroad on which the improvement is to be made, without the consent of the company; nor shall either company's track be required to be placed below high water mark.

Court of common pleas, duty of.

Grade crossings, avoided, if practicable.

Order of court.

The court shall, by its order, define the manner in

which the applicant shall do or let the work for such crossing and shall equitably apportion the initial expense of such construction or crossing and the expense of maintenance thereof among the parties interested. Any party feeling itself aggrieved by the decision of said court shall have the right of appeal and proceedings in error as in other civil cases. Appeal.

And unless such companies agree upon the compensation which shall be paid for the land occupied by such crossing, the court shall submit that question to a jury as provided in other cases for the appropriation of private property.

Nothing in this act shall prevent any street, electric or interurban railroad company or steam railroad company from laying additional tracks at existing crossings, under any authority now existing by virtue of law.

SECTION 2. That said act to amend section 1 of an act entitled, "An act to provide for one steam railroad crossing another steam railroad," passed April 23rd, 1904 (97 O. L. 548) be, and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
178G.

[Senate Bill No. 472.]

AN ACT

To supplement section 1418 of the Revised Statutes by enacting 1418-a to legalize defects in proceedings for the sale of all lands in section 16, and of all lands in any other section in lieu thereof, granted for school purposes, in all townships within the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1418 of the Revised Statutes be supplemented by enacting section 1418-*a* to read as follows:

Sec. 1418-*a*. That the proceedings for the sale of all lands in section sixteen (16), and of all lands in any other section in lieu thereof, granted for school purposes, in all townships in the state of Ohio, shall be conclusively presumed to be regular and according to law, with reference to any land in any such section so granted for school purposes, for which a deed has been duly executed and deliv- School lands, sale of.

ered by the state of Ohio, to the purchaser thereof at such sale, or his assigns: Provided, this act shall not apply to, or affect, any pending litigation.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
179G.

[Senate Bill No. 495.]

AN ACT

To amend and supplement section 4919 of the Revised Statutes of Ohio, to provide for the repairs and maintenance of highways by county commissioners by direct labor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4919 of the Revised Statutes of Ohio be amended and supplemented to read as follows:

Sec. 4919. When any one or more of the principal highways of any county, or any part thereof, have been destroyed or damaged by freshet, land-slide, wear or watercourses (,) or any other casualty, or by reason of the large amount of traffic thereon, or from neglect or inattention to the repair thereof have become unfit for travel or cause difficulty, danger or delay to teams passing thereon, and the commissioners of such county are satisfied that the ordinary levies authorized by law for such purposes will be inadequate to provide money necessary to repair such damages, or to remove obstructions from, or to make the changes or repairs in such road or roads as are rendered necessary from the causes herein enumerated, said commissioners may annually thereafter levy a tax at their June session of any sum not exceeding five mills upon the dollar upon all taxable property of the county, to be expended under their direction, or by the employment of labor and the purchase of materials in such manner as may seem to them most advantageous to the interest of the county for the construction, re-construction or repair, and maintenance of such road or roads or any part thereof. Provided, that this section shall not be so construed as to authorize the commissioners to refuse to make a levy for a road fund under the provisions of section 2824 of the Revised Statutes.

Tax levy, for road repairs.

Employment of labor.

Sec. 4919-1. The county commissioners shall at all times, cause all necessary repairs to be made on all improved roads in the county for their proper maintenance; and for

such purpose may, and they are hereby authorized to, levy a tax upon the grand duplicate of the county, not exceeding three-tenths of one mill in any one year upon each dollar of the valuation of taxable property in such county. And said levy shall be in addition to all other levies authorized by law, notwithstanding any limitation upon the aggregate amount of such levies now in force. The proceeds of the levy hereby authorized to be made shall be applied and used by the county commissioners in the repair of paved, macadamized, stone and gravel roads, as the case may be, and for no other purpose, and this fund shall not be subject to distribution to the townships, but shall be expended under the direct orders and supervision of the county commissioners and in such manner as to repairs as hereinafter provided. For the purpose of repairs, the commissioners shall annually between the first day of January and the first day of March, cause the surveyor of the county to go upon all of the improved roads within the county, and make written reports to the county commissioners on or before the first day of April, annually, of the amount and nature of the repairs needed on said various roads for the ensuing year, which report shall contain an estimated cost of such repairs, both as to labor and material, and said surveyor shall separately estimate the cost of the labor and material necessary to the making of such repairs. The commissioners shall then fix a day on which they will let to the lowest and best bidder, the job of furnishing and delivering the said materials so estimated in such amounts and at such places as shall be decided upon by the said commissioners, and they shall cause notice to be given once a week for three weeks in one paper of general circulation in the county of the time when and place where bids for furnishing and delivering said material will be received. They shall enter into contract with the successful bidder and shall require good and sufficient bond of him for the faithful performance of the same, reserving the right to terminate each and every contract whenever, in their opinion, its provisions are not complied with. The contract shall further provide for the furnishing and delivering of the material at such times and in such amounts and at such places as the commissioners may have previously determined upon. Before paying for any material furnished under contracts entered into in accordance with the provisions of this section, it shall be the duty of the said board of county commissioners to inspect the same as to quality and quantity furnished. In providing for the labor necessary to make the repairs reported by said county surveyor, and such other labor as may become necessary from time to time during the course of the ensuing year, the commissioners are hereby authorized to employ laborers by the day in making said repairs, whenever said commissioners may deem it necessary to do so; provided, however, the commissioners may, if they deem it necessary and proper divide the work into convenient sections

Maximum levy for road repairs.

Report of surveyor.

Lowest and best bidder.

Notice, by publication.

Contract, what to specify.

Day laborers, employment of.

and let to the lowest and best bidder, or bidders, the job of making said repairs for a period of one year, according to specifications to be submitted to the bidders, in which event the notices, contracts and bonds to be given, entered into, and furnished, shall be in accordance with the provisions of this section relating to the letting of the contract for the furnishing and delivery of materials for said repairs. The commissioners are further authorized to procure by purchase or otherwise, the necessary tools and machinery for the purpose of making the repairs herein provided for. When necessary, the commissioners of the county may, in anticipation of the levy herein provided for, issue the bonds of the county payable in installments or at intervals not exceeding in all the period of twenty years, bearing interest at the rate not to exceed six per cent. per annum payable semi-annually, which bonds shall not be sold for less than their par value.

Tools and machinery.

Bonds, sale of.

SECTION 2. That said sections 4919 and 4919*a* be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
180G.

[Senate Bill No. 509.]

AN ACT

To establish a commission for improving the condition of the blind.

Be it enacted by the General Assembly of the State of Ohio:

Ohio commission for the blind, appointment of.

SECTION 1. There shall be a state board to be known as the Ohio commission for the blind, consisting of six persons, five of whom shall be appointed by the governor within sixty days after the passage of this bill, and the sixth member shall be the superintendent of the state institution for the blind at Columbus.

Term of office.

SECTION 2. The term of office of the commissioners shall be five years, except that, of the first commission appointed, one member shall be appointed for one year, one member for two years, one member for three years, one member for four years and one member for five years. At the conclusion of the term of each, his successor shall be appointed for a full term of five years.

Time for organization.

SECTION 3. The commission shall, within thirty days of its appointment, hold its first meeting, elect one of its

members as president, who shall preside at its meetings, and who shall have power to call meetings when it shall be deemed advisable.

Duties.

SECTION 4. It shall be the duty of the commission to prepare and maintain a complete register of the blind in the state of Ohio, which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, together with such other facts as may seem to the commission to be of value.

Object of commission.

SECTION 5. The commission shall act as a bureau of information and industrial aid, the object of which shall be to aid the blind in finding employment and to teach them industries which may be followed in their homes.

Schools and workshops.

Wages.

SECTION 6. The commission may establish schools for industrial training and workshops for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay the employes suitable wages and to devise means for the sale and distribution of the products thereof. The board may also provide or pay for, during their training, the temporary lodging and support for pupils or workmen received at any industrial schools and workshops established by it.

SECTION 7. As soon as the said schools and workshops are established and in successful operation, the industrial department for the adult blind of the state institution for the blind at Columbus, as provided in section 667 of the Revised Statutes of Ohio, shall be discontinued.

Visits to aged or helpless blind.

SECTION 8. The commission may ameliorate the condition of the aged or helpless blind by promoting visits to them in their homes for the purpose of instruction, and by such other lawful methods as may seem to the commission to be expedient.

SECTION 9. The commission may appoint such officers and agents as may be necessary and fix their compensation within the limits of the annual appropriation; but no person so appointed shall be a member. The commission shall make its own by-laws, and shall prepare an annual report to the governor and the legislature of its proceedings for each fiscal year, embodying therein a properly classified and tabulated statement of its estimates for the ensuing year, with its own opinion as to the necessity or expediency of appropriations in accordance with said estimate. The annual report shall also present a concise review of the work of the commission for the preceding year, with such suggestions and recommendations for improving the condition of the blind as may be expedient. The supervisor of public printing shall print two thousand (2,000) copies of this annual report for the use of the commission.

Annual report, what to contain.

SECTION 10. It shall be the duty of the commission, in making inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable, and to co-operate with the state board of health in adopting and enforcing proper preventive measures.

Compensation of commission.

SECTION 11. The members of the commission shall receive no compensation for their services, but their traveling and other necessary expenses, when approved by the president of the commission, incurred in the performance of their official duties, shall be paid by the treasurer upon an order from the auditor of state.

Receipts or earnings, use of.

SECTION 12. Authority is hereby given the commission to use, in the furtherance of the purpose of this act, any receipts or earnings that may accrue from the operation of industrial schools and workshops, as provided in section six of this bill, provided that a detailed statement of receipts or earnings and expenditures be made monthly to the auditor of state.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

181G.

[Senate Bill No. 521.]

AN ACT

To revise and consolidate the laws relating to the appointment, powers and duties of the commissioners of fish and game.

Be it enacted by the General Assembly of the State of Ohio:

COMMISSIONERS OF FISH AND GAME.

Fish and game commission, appointment of.

SECTION 1. The governor, with the advice and consent of the senate, shall appoint five commissioners of fish and game, not more than three of whom shall belong to the same political party. One commissioner shall be appointed each year who shall serve for a term of five years. (97 v. 463, § 1.)

Bond of commissioners.

SECTION 2. Before entering upon the discharge of the duties of his office, each commissioner of fish and game shall give a bond to the state in the sum of two thousand dollars with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office. (97 v. 463, § 2.)

Compensation of commissioners.

SECTION 3. The commissioners of fish and game shall serve without compensation, but their necessary expenses

while engaged in the discharge of their official duties shall be paid by the state on the certificate of the commissioners. (97 v. 464, § 3.)

Duties of commission.

SECTION 4. The commissioners of fish and game shall have authority and control in all matters pertaining to the protection, preservation and propagation of song and insectivorous birds, game birds, game animals and fish within the state and in and upon the waters thereof. They shall enforce by proper legal action or proceeding the laws of the state for the protection, preservation and propagation of such birds, animals and fish; shall establish fish hatcheries and propagate fish therein or in any other manner for the waters of the state, and, so far as funds are provided therefor, shall adopt and carry into effect such measures as they deem necessary in the performance of their duties. (97 v. 464 § 4.)

Wardens, appointment of.

SECTION 5. The commissioners of fish and game shall appoint a chief warden and such number of deputy state wardens and special wardens as they deem necessary. The chief warden and each deputy state warden shall hold his office for a term of two years unless sooner removed by the commissioners. Each special warden shall hold his office for such time as the commissioners direct and shall have the same powers and perform the same duties as a deputy state warden. (97 v. 464, § 5.)

Bonds, of wardens.

SECTION 6. Before entering upon the discharge of the duties of his office, each warden shall give bond to the state; the chief warden in the sum of two thousand dollars, each deputy state warden in the sum of two hundred dollars, and each special warden in the sum of five hundred dollars, with two or more sureties approved by the commissioners of fish and game, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the commissioners and the oath of office indorsed thereon, shall be deposited with the commissioners and kept in their office. (97 v. 464, § 5.)

Enforcement of game laws.

SECTION 7. The chief warden, special wardens and deputy state wardens shall enforce the provisions of this act and the laws relating to the protection, preservation and propagation of birds, fish and game. Under the direction of the commissioners of fish and game, the chief warden shall visit all parts of the state and direct and assist the special wardens and deputy state wardens in the discharge of their duties. (97 v. 465, § 6.)

Compensation of wardens.

SECTION 8. The commissioners of fish and game may allow the chief warden, each special warden and each deputy state warden such compensation as they deem proper and his necessary expenses. In addition to the salaries and compensation herein provided, each warden shall be entitled to receive the same fees as sheriffs are allowed for like services in criminal cases. The salaries and expenses of the chief warden and each special warden and the compensation allowed each deputy state warden shall be paid by the state upon the order of the commissioners. (97 v. 464, § 5.)

Police powers of wardens.

SECTION 9. Each warden may serve and execute warrants and other process of law issued in the enforcement of any law for the protection, preservation or propagation of birds, fish and game in the same manner as a sheriff or constable may serve and execute a process, and he may arrest on sight and without a warrant a person found by him violating any such law. He shall have the same authority as sheriffs to require aid in executing a process or in making an arrest. He may seize without process birds, fish or game then found in possession of such person, together with the guns, nets, seines, boats, traps or other devices with which they were taken or killed or used in taking or killing them, and forthwith convey the persons so offending before a court or magistrate having jurisdiction of the offense. (97 v. 465, § 6.)

Seizure of property, by wardens.

Sunday arrests.

SECTION 10. Arrests may be made on Sunday, in which case the offender shall be taken before a court or magistrate and required to give a bond for his appearance at a time fixed for the hearing of the complaint on a week day so soon as practicable after the arrest. If a bond is required for the appearance of the offender and he fails to give it, the court may order him committed to the jail of the county or to some other suitable place until the time set for the hearing of the complaint. The jailer or officer in charge of the place designated by the court shall receive the person so committed. (97 v. 465, § 6.)

Failure to give bond, effect of.

SECTION 11. Sheriffs, deputy sheriffs, constables and other police officers shall enforce the laws for the protection, preservation and propagation of birds, fish and game and for this purpose they shall have the power conferred upon the wardens and receive like fees for similar services. Prosecutions by a warden or other police officer for offenses not committed in his presence shall be instituted only upon the approval of the prosecuting attorney of the county in which the offense is committed or upon the approval of the attorney general. (97 v. 465, § 6.)

Prosecutions, when offenses not committed in presence of officer.

SECTION 12. Any gun, net, seine, boat, trap, or other device used in the unlawful taking, catching or killing of birds, fish or game is a public nuisance. Each warden or other police officer shall seize and safely keep such property, and, unless otherwise ordered by the commissioners of fish and game, within five days institute proceedings in a proper court of the county for its forfeiture as provided by law. A writ of replevin shall not lie to take the property from his custody or from the custody and jurisdiction of the court in which such proceeding is instituted, nor shall such proceeding affect a criminal prosecution for the unlawful use of such property. (97 v. 466, § 7.)

Seizure of property.

SECTION 13. An action for the forfeiture of any such property shall be commenced by the filing of an affidavit describing the property seized and stating the unlawful use made of it, the time and place of seizure, the name of the person owning or using it at the time of seizure, if known, and if unknown, such fact shall be stated. (97 v. 466, § 8.)

Forfeiture of property, action for.

SECTION 14. Upon the filing of the affidavit, the court shall issue a summons setting forth the facts stated in the affidavit and fixing a time and place for the hearing of the cause. A copy of the summons shall be served on the owner or person using the property at the time of its seizure if he is known, or by leaving a copy thereof at his usual place of residence or business in the county at least three days before the time fixed for the hearing of the complaint. If the owner or user is unknown or a non-resident of the county or can not be found therein, a copy of the summons shall be posted at a suitable place nearest the place of seizure, but if his address is known a copy of the summons shall be mailed him at least three days before the time fixed for the hearing of the complaint. On the day fixed for the hearing, the officer making such service shall make a return of the time and manner of making the service. Upon proper cause shown, the court may postpone the hearing. (97 v. 466, § 8.)

Service of summons.

SECTION 15. If the owner or person unlawfully using such property at the time of its seizure is arrested, pleads guilty and confesses that the property at the time of its seizure was being used by him in violation of law, no proceedings for forfeiture shall be instituted, but the court in imposing sentence shall order the property so seized forfeited to the state. (97 v. 466, § 8.)

Pleading guilty, effect of.

SECTION 16. If the defendant in a proceeding for forfeiture or condemnation under this act demands a jury, the court shall issue a venire to a warden or constable of the county containing the names of sixteen persons to serve as jurors therein, who must be electors of the township, city or village for which such judge or magistrate was chosen. Such officer shall promptly execute and make return of the venire. If it be exhausted without obtaining the required number of jurors, the court may direct the officer to summon bystanders or other persons. If the defendant consents in writing and such consent is entered of record, the cause may be heard by a jury composed of six persons, in which case the venire shall not contain the names of more than ten electors. Each party shall be entitled to two peremptory challenges of jurors and such challenges for cause as in civil cases in the court of common pleas. (97 v. 467, § 9.)

Jury, issue of venire for.

Jury of six persons in certain cases.

Peremptory challenges.

SECTION 17. In any prosecution for violation of any provision of this act where imprisonment may be a part of the punishment, if a trial by jury be not waived the justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the

Drawing of jury, where imprisonment is a part of the punishment.

same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justice of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas.

Challenges of jurors.

In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasury, in favor of the person or persons to whom such costs and fees shall be paid.

Costs, how paid.

SECTION 18. If the defendant in a prosecution or condemnation proceeding under the provisions of this act is convicted, judgment shall be rendered against him for the costs in addition to the fine imposed or forfeiture declared. The judgment shall be the first lien upon his property and no exemption shall be claimed or allowed against such lien. If he fails to pay the fine and costs imposed or execution issued is returned unsatisfied, the person convicted shall be committed to the jail of the county or to a work house and there confined one day for each dollar of fine and costs adjudged against him. He shall not be discharged therefrom by any board or officer except upon payment of costs remaining unsatisfied or upon the order of the commissioners of fish and game. (97 v. 468, § 10.)

Judgment, no exemption from lien of.

Commitment, for failure to pay fine and costs.

Error, prosecution in.

SECTION 19. A petition in error to the court of common pleas, circuit court or supreme court may be prosecuted by the officer or person filing the complaint, or by the owner or user of the property seized to review the judgment and order of the court in forfeiting the property or in ordering its release. Such petition shall be governed by the provisions governing petitions in error in felony cases tried in the court of common pleas. (97 v. 466, § 8.)

Opening packages, etc., by officer.

SECTION 20. Each warden, sheriff, deputy sheriff, constable and other police officer may open and inspect a package, parcel, box, coat, clothing or receptacle which he has good reason to believe contains birds, fish or game killed, taken or had in possession contrary to law, or a room, building car, boat or other place wherein birds, fish or game are kept for sale contrary to law, or in wihch he has good reason to believe there are birds, fish or game killed, taken or had in

possession contrary to law, or a gun, boat, net, seine or other device so had in possession. (97 v. 469, § 11.)

SECTION 21. If a person in whose custody or possession the package, parcel, box, coat, clothing or other receptacle, or the owner or person in charge of the room, building, car, boat or other place named in the preceding section, refuses to permit such inspection, upon filing an affidavit in accordance with law before an officer having jurisdiction of the offense and receiving a search warrant issued thereon, such warden may forcibly open such package, parcel, box, coat or clothing or other receptacle or room, building, car, boat or other place, and if upon inspection he finds any birds, fish or game or a gun, net, seine or other device unlawfully in possession of the person, he shall forthwith seize them and arrest the person in whose custody or possession they are found. Such birds, fish, game, gun, boat, seine or other device shall escheat to the state. (97 v. 469, § 11.)

Search warrant, officer to secure.

SECTION 22. No person shall catch, kill, injure, pursue or have in his possession either dead or alive, or purchase, expose for sale, transport or ship to a point within or without the state a turtle or mourning dove, sparrow, nut-hatch, warbler, flicker, vireo, wren, American robin, catbird, tanager, bobolink, blue jay, oriole, grosbeck or redbird, creeper, redstart, waxwing, woodpecker, humming bird, killdeer, swallow, bluebird, blackbird, meadow lark, bunting, starling, redwing, purple martin, brown thresher, American goldfinch, chewink or ground robin, pewee or phœbe bird, chickadee, fly-catcher, gnat catcher, mouse-hawk, whip-poorwill, snowbird, titmouse, gull, eagle, buzzard, or any wild bird other than a game bird. No part of the plumage, skin or body of such birds shall be sold or had in possession for sale. (97 v. 469, § 12.)

Birds, other than game birds.

Plumage, skin, etc.

SECTION 23. No person shall disturb or destroy the eggs, nests or young of a bird named in the preceding section; but nothing in this or the preceding section shall prohibit the killing of the chicken hawk, blue hawk, Cooper hawk, sharp skinned hawk, crow, great horned owl, or English sparrow, or the destroying of their nests, or prohibit the owner or duly authorized agent of any premises from killing blackbirds at any time, except on Sunday, when they are found to be a nuisance or are injuring grain or other property. (97 v. 469, § 12.)

Exceptions.

Blackbirds.

SECTION 24. The preceding two sections shall not apply to a duly accredited person having a permit issued by order of the commissioners of fish and game authorizing him to collect birds, their nests, and eggs for scientific purposes only. The applicant for a permit shall present to the commissioners the written testimonials of two well known scientific persons or teachers of science, certifying to the good character and fitness of the applicant and pay the commissioners a fee of five dollars. He shall also give a bond to the state in the sum of one hundred dollars with two or more sureties approved by the commissioners that

Scientific purposes excepted; permit for.

Fee for permit.

he will not kill a bird or take the nests or eggs of a bird for any other purpose than that provided herein, which bond shall be kept in the office of the commissioners. Each permit shall be in force for one year from the date of its issue and shall not be transferable, but upon the forfeiture of a bond of a person, his permit shall become void. (97 v. 470, § 13.)

Quail season.

Wood-cock and dove season.

Duck, snipe, plover, etc., season.

Pheasant season (closed to 1913).

Sunday and Monday, exceptions as to water fowl.

SECTION 25. No person within this state shall catch, kill, injure or pursue with such intent a Virginia partridge or quail, except from the fifteenth day of November to the fourth day of December, both inclusive; a woodcock or Carolina dove, except from the first day of September to the fourth day of December, both inclusive; a rail, shore bird, plover, snipe, wild duck, wild goose, wild swan, coot, or mud hen, except from the first day of September to the thirty-first day of December, both inclusive, and from the first day of March to the twentieth day of April, both inclusive; or a ruffed grouse, Mongolian pheasant, English pheasant, ring neck pheasant, or other pheasant, before the fifteenth day of November, 1913, or after that date except from the fifteenth day of November to the fourth day of December, both inclusive: but no person shall catch, kill, injure or pursue a wild duck or water fowl on Sunday or Monday of any week, or catch, kill, injure or pursue, or shoot such water fowl before sunrise or after sunset of any day during the time fixed herein when it shall be lawful to kill them. The birds named in this section shall be known and classed as game birds in contradistinction to all other birds. (97 v. 471, § 15.)

Use of trap, net or snare forbidden.

Pot-shots, forbidden.

Limits for one day's sport.

SECTION 26. No person shall catch, kill, injure or pursue any of the birds mentioned in the preceding section with the aid or by the use of a trap, net or snare, or disturb or destroy the nests, eggs or young thereof; or catch, kill, injure or pursue a wild duck or other water fowl named in such section with the aid or by the use of any gun, except a common shoulder gun of not larger than ten gauge, or with the aid of or from a sink boat, sink box, sneak boat, or any other boat except a common row boat propelled by oars. No person shall shoot at any Virginia partridge or quail, except when they are flying, or kill in one day more than twelve Virginia partridge or quail, Carolina dove, woodcock, geese, rail, shore bird, plover or snipe, or more than twenty-five duck. (97 v. 471, § 15.)

Rabbits, open season, etc.

SECTION 27. No person shall catch, kill, injure, or pursue with such intent, a rabbit with the aid of or by the use of a gun, except from the fifteenth day of November to the fourth day of December, both inclusive; but nothing in this section shall prohibit the killing of rabbits in any manner or at any time, except Sunday, by the owner, manager or tenant of premises or by a bona fide employe of such owner, manager or tenant when they are found injuring grain, berries, fruit, vegetables, trees or shrubbery. No ferret shall be used in catching or hunting rabbits except by the

owner or lessee of lands or a bona fide employe of such owner or lessee and when they are destroying or injuring trees, shrubbery, grain, berries or fruit. (97 v. 472, § 16.)

Coon season.

SECTION 28. No person shall kill or pursue with such intent a raccoon, except from the first day of November to the first day of March, both inclusive; but nothing in this section shall prohibit the killing of raccoons in any manner or at any time, except on Sunday, by the owner, manager or tenant of the premises, or by his bona fide employe when such raccoons are found injuring grain or catching domestic fowls. (97 v. 472, § 16.)

Squirrel season.

SECTION 29. No person shall catch, kill, injure or pursue a squirrel except from the first day of October to the thirtieth day of October, both inclusive. (97 v. 472, § 16.)

Buying, selling, etc., prohibited.

SECTION 30. No person shall buy, sell, expose for sale, offer for sale, or have in possession any of the birds named in this act or any squirrel during the time when the killing of such birds or squirrels is unlawful, or take, catch, kill or pursue such birds or squirrels for the purpose of sale within this state, or for the purpose of sale or shipment beyond the limits of this state, or buy, sell, expose for sale, offer for sale or have in possession for the purpose of sale any such birds or squirrels.

Transportation of game beyond limits of this state prohibited.

SECTION 31. No person shall receive for transportation, transport, cause to be transported or have in his possession with intent to transport or to secure the transportation of beyond the limits of this state any bird mentioned in this act or a squirrel which has been killed within this state. Each bird, fowl or squirrel killed, taken, had in possession, received for transportation or transported contrary to the provisions of law shall constitute a separate offense. The reception by any person within this state of such bird or animal for shipment to a point without the state shall be prima facie evidence that they were killed within the state for the purpose of conveying them beyond the limits thereof. (97 v. 473, § 18.)

SECTION 32. The provisions of the preceding section shall not apply to a common carrier into whose possession any of the birds mentioned in this act or any squirrels have come for transportation in the regular course of business, while such birds or squirrels are in transit through this state from a place without where the killing thereof is lawful, and this provision shall not prohibit having such birds or squirrels in enclosures for domestication or propagation or the keeping of rabbits and squirrels as pets. (97 v. 473, § 18.)

Carrier pigeons.

SECTION 33. No person, except the owner thereof, shall catch, kill, injure or detain an Antwerp or homing pigeon, commonly called a "carrier" pigeon which at the time of its capture or detention has the name of its owner stamped upon its wing or tail, or which has upon its leg

a band bearing the name or initial of its owner, its number or any other mark designating it as a carrier pigeon. (97 v. 473, § 19.)

Non-resident license.

SECTION 34. A non-resident who desires to hunt in this state shall make application for a hunter's license to the clerk of the courts of the county in which he desires to hunt, and for such license pay a fee of fifteen dollars and an additional fee of twenty-five cents if demanded by the clerk of courts. The form of such license shall be prepared by the commissioners of fish and game and approved by the attorney-general, and shall entitle the person to whom it is issued to hunt within this state in a lawful manner and to take with him from the state game and birds killed by him not to exceed fifty of all kinds. Such licenses, in the form approved, and blanks required for reports and records shall be furnished by the commissioners of fish and game to the clerk of courts in each county. (97 v. 474, § 22.)

Fifty articles of game allowed non-resident.

SECTION 35. On the payment of the fee prescribed by law by a non-resident hunter, the clerk of the courts of the county in which such hunter desires to hunt shall issue him the license provided for in the preceding section. While hunting such non-resident shall carry his license, and exhibit it upon demand to any warden or police officer. A refusal to exhibit such license shall constitute an offense. (97 v. 474, § 22.)

Record of license.

SECTION 36. The clerk of courts shall keep a record of each license issued, which record shall be open at all reasonable hours for inspection. He shall make a report to the commissioners of fish and game in such form as they require during the month of December of each year of the number of licenses issued to hunters during the preceding year and transmit it with the moneys received by him for licenses to the president of the commissioners of fish and game. The moneys so collected shall be paid into the state treasury to the credit of the general revenue fund. (97 v. 474, § 22.)

Annual report.

SECTION 37. Each license issued in accordance with the preceding sections shall expire on the fifth day of December next after its issue, but the commissioners of fish and game may revoke it at any time upon satisfactory proof that its holder has hunted in violation of law. No license shall be granted to a person whose license has been revoked, for a period of one year thereafter. (97 v. 474, § 22.)

SECTION 38. The waters of Lake Erie, the waters of Sandusky bay as far up as one-half mile east of the east end of Eagle Island, the waters of Portage bay as far up as Oak Harbor bridge, and the waters of the Maumee bay up to a point opposite Presque Isle shall be known as the Lake Erie fishing district of this state. All other waters over which the state of Ohio has jurisdiction whether lakes, rivers, creeks or reservoirs and whether natural or artificial,

Lake Erie fishing district defined.

including East Harbor, West Harbor and Middle Harbor, in Ottawa County, and the waters of Ten Mile Creek lying within this state shall be known as the inland fishing district of the state. (R. S. Sec. 6968-1.)

Nets, seines, etc.

SECTION 39. No person shall draw, set, place, locate, maintain or have in possession a pound net, trammel net, fyke net, set net, seine, fish trap, throw or hand line with more than three hooks attached thereto, or any other device for catching fish, except a hook and line with bait or lure, in the inland fishing district of this state, or take or catch a fish in such fishing district with what are known as trot lines, bob lines, set lines or float lines, or by spearing; but nothing herein shall prohibit an owner and persons having the owner's consent, from taking or catching a fish by trot lines, bob lines, or by spearing in that part of a stream bordering on or running through his own lands. (97 v. 475, § 23; 98 v. 197.)

Trot lines, etc.

Fishing through the ice regulated.

SECTION 40. No person shall take or catch fish in any manner in the inland fishing district of this state while the waters thereof are frozen over, covered or partly covered with ice, or through a fissure, crack or break therein, unless it be done through a hole cut in the ice, not more than two and one-half feet in diameter; provided that not more than two holes shall be cut or used by any one fisherman, nor shall more than two hooks be used on any one line, and fish caught through any such holes shall not be bartered or sold.

Black bass.

SECTION 41. No person shall take, catch, or have in possession a black bass less than ten inches in length, nor take or catch a black bass in either of the fishing districts of this state, except with hook and line with bait or lure. In the inland fishing district of this state, black bass shall not be taken in any manner between the first day of May and the thirty-first day of May, both inclusive. In the Lake Erie fishing district black bass shall not be taken in any manner between the twenty-fifth day of May and the fifteenth day of July, both inclusive; but if black bass are caught unintentionally in a net in the Lake Erie fishing district and while such net is being lifted are released alive in such a manner as not to injure them, such taking or catching shall not be an offense. (97 v. 475, § 23.)

Sale, etc., of black bass prohibited.

SECTION 42. No person, firm or corporation shall sell, offer for sale, barter, give away or have in possession for any such purpose, ship or transport out of the state a black bass whether caught in either of the fishing districts of the state or caught outside of the state. Each black bass so bought, sold, offered or exposed for sale, bartered, given away or had in possession or unlawfully caught shall constitute a separate offense. (97 v. 475, § 23.)

Rock bass, sun fish, etc.

Nor shall any person, firm or corporation sell, offer for sale, barter or have in possession for any such purpose, rock bass, calico or strawberry bass, crappies, blue gills or sun fish, whether caught in either of the fishing districts of the state or outside of the state, and each fish so bought,

sold, offered for sale, exposed for sale or bartered away shall constitute a separate offense.

Trout season.

SECTION 43. No person shall take, catch, kill, offer for sale, sell, buy, or have in possession a brook trout, speckled trout, Von Behr or brown trout, land locked salmon or California salmon, except from the fifteenth day of April to the fifteenth day of September, both inclusive. (97 v. 475, § 23.)

Turtles.

SECTION 44. No person shall catch or pursue a turtle by the aid or use of a seine or net, except a single seine or net the meshes of which are not less than four inches by four inches in dimension. (97 v. 475, § 23.)

Minnows.

SECTION 45. No person shall take, catch, buy or sell minnows, except for bait, or ship minnows or "white bait" except alive out of the state. In the inland waters of the state no minnows shall be taken or caught with a minnow seine exceeding four feet in depth and eight feet in length, and in the Lake Erie fishing district no minnows shall be taken or caught with a minnow seine exceeding thirty feet in length. (97 v. 475, § 23.)

Spring and fall fishing seasons.

SECTION 46. For the Lake Erie fishing district there shall be two seasons, the spring fishing season beginning on the fifteenth day of March and including and closing on the thirty-first day of August, and the fall fishing season beginning on the first day of September and including and closing on the thirtieth day of November. The fish and game commission for the purpose of obtaining spawn of fish for the fish hatcheries shall have the right to place men in any boat used in the taking of fish and pay for such spawn such amount as they may fix. And it shall be unlawful for any person engaged in fishing to refuse to take such men in any boat owned by him or under his control, or refuse to afford them opportunity to take spawn, or to do anything to hinder them in any way in the performance of their duty. No person shall draw, set, place, locate or maintain a pound net, gill net, trap net or any fish net whatever in the Lake Erie fishing district of this state between the thirtieth day of November and the fourteenth day of March, both inclusive. (R. S. Sec. 6968-2.)

Spawn, how obtained.

Nets, etc.

Licenses.

SECTION 47. No person, firm or corporation shall use or operate for the purpose of catching fish, a boat, net or device, other than hook and line with bait or lure, in the Lake Erie fishing district of this state, without a license from the commissioners of fish and game. Applications for licenses and all licenses herein required shall be in such form as the commissioners of fish and game prescribe. (R. S. Sec. 6968-2.)

Row boats.

SECTION 48. The fees for licenses for fishing in the Lake Erie fishing district for each fishing season defined in this act shall be as follows:

For each row boat used in fishing with gill nets or trammel nets, two dollars and fifty cents;

For each sail boat used in fishing with gill nets or trammel nets, four dollars; Sail boats.

For each gasoline power boat used in fishing with gill nets or trammel nets, seven dollars and fifty cents; Gasoline power boats.

For each steam boat used in fishing with gill nets or trammel nets, twelve dollars and fifty cents; Steam boats.

For each row boat used in fishing with trot lines, one dollar; Row boat with trot lines.

For each seine used in fishing, two dollars and fifty cents;

For each pound net used in fishing, two dollars; Seine.

For each net or other device used in fishing, other than a gill net or trammel net, seine, pound net or hook and line, one dollar. (R. S. Sec. 6968-2.) Pound net.

SECTION 49. Whenever a person, firm or corporation applies to the commissioners of fish and game for a license required by the preceding two sections, the commissioners, upon receiving the license fees, prescribed in such sections, shall issue such license duly signed by the president and secretary of the fish and game commission. Such license shall remain in force and entitle the holder thereof to fish as permitted by law from the date of issue to and including the last day of the season for which such license was issued. Term of license. The license required by the preceding two sections shall be carried by an operator of boats, nets or other devices while being used in the catching of fish, and exhibited on demand to any warden, constable, sheriff, deputy sheriff, police officer or member of the fish and game commission. Exhibiting of license. It shall be unlawful for any licensee having such license in his possession to refuse to exhibit it on demand to any proper officer or member of the fish and game commission. (R. S. Sec. 6968-2.)

SECTION 50. The commissioners of fish and game shall issue to each person licensed to catch fish in the Lake Erie fishing district one metal tag for each net or other device, Metal tags. other than a gill net, trammel net or hook and line, used by such licensee for catching fish in the Lake Erie fishing district of this state. No licensee shall use such net or other device, other than a gill net, trammel net or hook and line, without attaching such tags thereto in such manner as the commissioners of fish and game prescribe. If such tags are not attached to such nets or other devices as herein required, it shall be prima facie evidence that they have not been procured. (R. S. Sec. 6968-2.)

SECTION 51. No person shall draw, set, place, locate or maintain any net whatever on any of the reefs of the Lake Erie fishing district, or draw, set, place, locate or maintain any net whatsoever in any channel or passage lying between any islands or between an island and the main land in such district at a greater distance from the shore of such island or main land than one-fourth the distance across such channel or passage. Location of nets, regulated. (R. S. Sec. 6968-1.)

SECTION 52. No person shall draw, set, place, locate or maintain any net whatever within a radius of one-half

mile from a pier or break water built or maintained by the United States government, or at or within one-half mile from the mouth of any river flowing into Lake Erie, or within one-half mile of any embankment, dam or bridge in any bay or river connecting with or flowing into Lake Erie, or more than one-fourth the distance across any bay or river whose waters flow into Lake Erie. (R. S. Sec. 6968-1.)

Meshes, size of.

SECTION 53. The back of the crib or car of all nets used in fishing in the Lake Erie fishing district shall be so constructed that the meshes thereof shall be not less than two and seven-eighths inches in length and width, stretched mesh, and hang squarely, but a smaller mesh may be used on the edges of the back of a crib or car next to the corner or side lines for a space on each side equal in width to one-third the width of the back of such crib or car. The large mesh herein provided shall be on the middle part of the back of the crib or car and reach from the top to the bottom thereof. Providing, however, that until August 1, 1910, the word "stretched mesh" shall be taken to mean "stretched mesh factory measure." On after March 19th, 1910, the entire back of crib or car in all trap or fyke nets used in fishing in the Lake Erie district, shall be so constructed that the meshes thereof shall be not less than three inches in width and length, stretched mesh. Providing, however, in case of fyke-nets the owner or operator thereof shall have the option to place the large mesh herein required, instead of in back of crib or car in space between the last two hoops of such nets, such space to be not less than three feet in width; in case the large mesh herein required is placed in back of such crib or car no puckering back shall be used. No gill nets shall be used with meshes less than three inches, stretched mesh.

"Stretched mesh."

Fyke-nets.

Gill nets.

Length or weight specified, for certain fish.

SECTION 54. No person shall have in his possession a white fish less than one and three-quarter pounds in the round, a cat-fish less than fifteen inches in length or a sturgeon less than four feet in length; a perch, white bass or bull head less than eight inches in length. All such fish caught of a less length than herein described shall be immediately released alive while the nets are being lifted in such a manner as not to injure them. No cat-fish or sturgeon shall be brought ashore with its head or tail removed or in such condition that its length cannot be measured. Nothing herein shall prohibit the catching of such fish with hook and line and not for profit and the having in possession or failing to return to the water alive in the manner provided of a quantity of the under-sized fish mentioned herein not exceeding in weight three per cent. of each boat load or part thereof, lot, catch or haul, brought into port of each variety of fish shall not be deemed a violation of this section. (R. S. Sec. 6968-3.)

Cat-fish or sturgeon.

SECTION 55. No person shall buy, sell, offer for sale or have in his possession any fish caught out of season or in any manner prohibited, or a fish caught unlawfully outside the state of Ohio. (R. S. Sec. 6968-3.)

SECTION 56. No person shall deliver or receive for transportation a package, box or other receptacle containing birds, fish or game, unless it is labeled on the addressed side in plain letters with the name and address of the owner or consignor and with the weight and kind of fish and the number and kinds of birds and game which such package, box or receptacle contains, or falsely label such package, box or receptacle or deliver or receive for transportation or to transport any birds, fish or game which have been killed, taken or had in possession in violation of law. (97 v. 474, § 21.)

Label of package containing fish or game.

SECTION 57. Whoever violates any provision of sections twenty-two to fifty-six, both inclusive, shall be fined not less than twenty-five dollars nor more than two hundred dollars, and the costs of prosecution, and upon default of payment of fine and costs shall be committed to the jail of the county or to some workhouse and there confined one day for each one dollar of fine and costs against him. He shall not be discharged or released therefrom by any board or officer except upon payment of the portion of the fine and costs remaining unserved or upon the order of the commissioners of fish and game; provided that for a violation of section fifty-eight the defendant shall be fined as above prescribed or imprisoned not less than thirty days nor more than six months, or both. (R. S. Secs. 6968-2, 6968-3; 97 v. 475, § 23; 98 v. 197.)

Violation.

Penalty.

SECTION 58. No person shall take, catch or kill fish in any waters, over which the state of Ohio has jurisdiction, by means of quicklime, electricity, or any kind of explosive or poisonous substance, or place or use quicklime, electricity, explosive or poisonous substances in any such waters except for engineering purposes and upon the written permission of the president of the fish and game commission. (98 v. 250.)

Explosives, use of, forbidden.

SECTION 59. Whoever violates any provision of the preceding section shall be fined not less than fifty dollars nor more than two hundred and fifty dollars, or be imprisoned not less than thirty days nor more than six months, or both. (98 v. 250.)

Violation.

Penalty.

SECTION 60. The chief warden, deputy state wardens or any other person may take up, remove or clear away an obstruction to the natural transit of fish, except mill dams, placed in any of the waters of this state, but this section shall not apply to Lake Erie. (R. S. Sec. 4216.)

SECTION 61. For the purpose of this act measurements of fish shall be made from end of nose to the longest tip or end of the tail. (R. S. Sec. 6968-4.)

Measurements of fish.

SECTION 62. Channels and passages shall be considered those waters lying between islands, or an island and the mainland, where the waters of Lake Erie are narrowed or obstructed in consequence of the location of the island therein. (R. S. Sec. 6968-4.)

Channels and passages, defined.

SECTION 63. No rock or land elevated above the surface of the water of Lake Erie having an area of less than

Island, defined.

five acres above water shall be considered an island within the meaning of this act. (R. S. Sec. 6968-4.)

Reef, defined.

SECTION 64. For the purpose of this act a reef in Lake Erie shall mean an elevation of rock either broken or in place or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock broken or in place forming the base or foundation rock of an island or mainland and sloping from the shore thereof. A reef shall also mean all elevation shown by such chart to be above the common level of such sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way, whether formed by rock broken or in place or from gravel. (R. S. Sec. 6968-4.)

German carp, permission to catch.

SECTION 65. Nothing in this act shall prohibit the taking or catching of German carp in the bays, marshes, estuaries or inlets bordering upon, flowing into or in any manner connected with Lake Erie, which may be caught at any time with any seine, constructed out of netting having meshes not less than four inches, stretched mesh. Other nets or devices may be used if authorized by the commissioners of fish and game. Written permission to catch carp in such waters shall be granted to any person who shall make application to the commissioners of fish and game for such privilege and satisfies the commissioners that he will not in any manner violate any law for the protection of fish. Such permission may be revoked by the commissioners upon conviction of the holder thereof for taking fish contrary to law. (R. S. Sec. 6968-4.)

Permit, revoked how.

Hatcheries.

SECTION 66. Nothing in this act shall prevent the commissioners of fish and game, their agents and employes, from taking fish at any time or place or in any manner for the maintenance or cultivation of fish in hatcheries or for the purpose of stocking ponds, lakes or rivers, or from exterminating carp in any waters. (R. S. Sec. 6968-4.)

Lagoons and receding waters of rivers.

SECTION 67. Nothing in this act shall prevent the taking of fish in any manner in the ponds or lagoons formed by the receding waters of any river, when such ponds and lagoons no longer have any connection with the channels of such streams, or to a private artificial fish-pond or privately owned lakes. (97 v. 475, § 23.)

Private ponds.

SECTION 68. Nothing in this act shall apply to nets, traps, or other devices for catching fish, in the possession of the owner of private artificial fishponds, for use in such ponds, or to fish nets, fish traps, or other devices for catching fish, not otherwise prohibited, to be used in catching fish in the Ohio river, Lake Erie, or in those bays of Lake Erie, wherein fishing with such devices is permitted, when such fish nets, fish traps, or other devices are kept within one mile of the Ohio river, Lake Erie, Sandusky bay as far up as Eagle Island, or Portage bay as far up as the Oak Harbor bridge, Maumee bay or Maumee river as far up as the Cherry street bridge in the city of Toledo. (98 v. 197.)

SECTION 69. Nothing in this act shall apply to nets, traps, or other devices, in the possession of bona fide manufacturers or dealers, when such nets, traps, or other devices are kept in the regular places of business of such manufacturers or dealers, or are in course of transportation, or to nets, traps, or other devices in the possession of common carriers for transportation. (98 v. 197.)

Manufacturers or dealers.

SECTION 70. Each boat, net, or other device used in catching fish contrary to the provisions of this act, and each net or other device used or operated without having the metal tag attached thereto as provided by law, shall constitute a separate offense. (R. S. Sec. 6968-2.)

Each net or device a separate offense.

SECTION 71. All fines, penalties and forfeitures arising from prosecutions, convictions, confiscations, or otherwise under this act (unless otherwise directed by the commissioners of fish and game) shall be paid by the officer before whom the prosecution is had or by whom the fine is collected, to the president of the commissioners of fish and game, and by him paid into the state treasury to the credit of a fund which is hereby appropriated for the use of the commissioners. All moneys collected as license on nets in the Lake Erie fishing district under this act shall be paid by the commissioners of fish and game into the state treasury as a special fund to be used in the betterment and maintaining of fish hatcheries in the Lake Erie fishing district and the propagation of fish therein, or in propagating fish otherwise in the Lake Erie fishing district; and for that purpose such fund is hereby appropriated, and shall be paid out upon the order of the commissioners of fish and game, but shall not be used or paid out for any purpose other than the purposes for which said fund is appropriated.

Fines, etc., disposition of.

License on nets, money derived from, how used.

SECTION 72. The finding of a gun, net, seine, boat, trap, or other device, set, maintained, used, or had in possession in violation of a law relating to the protection, preservation or propagation of birds, fish or game, shall be prima facie evidence of the guilt of the person owning, using or claiming such property. The finding of birds, fish or game unlawfully in the possession of a person shall be prima facie evidence of the guilt of such person. (97 v. 468, § 10.)

Prima facie evidence.

SECTION 73. The word "person" when used in a law relating to the protection, preservation or propagation of birds, fish and game, shall include "company", "partnership", "association", "corporation", or any "officer", "agent" or "employe" thereof; and the word "warden" when used therein shall include "chief warden", "special warden", "deputy state warden", or any other police officer charged with the duty of enforcing such law. (97 v. 468, § 10.)

"Person," defined.

Warden, defined.

SECTION 74. When an affidavit is filed and a warrant is issued against a corporation for a violation of any provision of this act, a summons shall be issued directed to the sheriff, constable or warden, commanding him to notify the accused thereof, and returnable on or before the tenth

day after its date. The summons together with a copy of the warrant shall be served and returned in the manner provided for the service of summons upon corporations in civil actions. On or before the return day, the corporation may appear by one of its officers or by counsel and answer the warrant by motion, demurrer or plea, but upon failure to make appearance and answer, a plea of "not guilty" shall be entered. Upon such appearance or plea the corporation shall be deemed present in court until the cause is finally disposed of. (97 v. 468, § 10.)

Service of process upon corporations.

SECTION 75. A justice of the peace, mayor or police judge shall have final jurisdiction within his county in a prosecution for a violation of any provision of the laws relating to the protection, preservation or propagation of birds, fish and game and shall have like jurisdiction in a proceeding for the condemnation and forfeiture of property used in the violation of any such law. (97 v. 467, § 9.)

Trespass.

SECTION 76. No person shall trespass upon the land, or rights in lands belonging to another and lying in or bordering upon a natural or artificial pond or brook less than ten miles in length into which have been introduced brook trout, speckled trout, brown trout, land lock salmon, California salmon or any other fish by artificial propagation or by actual importation from other waters, for the purpose of fishing for or catching or killing fish, or shall catch or kill fish in the waters of such pond or brook, or buy, receive or have in possession any fish caught contrary to the provisions of this section. No person shall wilfully place any poison or other substance injurious to the health of fish in such pond or brook for the purpose of capturing or harming fish therein or wrongfully or wilfully let the water out of such pond or brook with the intent to take or injure fish therein. (97 v. 476, § 24.)

Violation.
Penalty.

SECTION 77. Whoever violates any provision of the last preceding section shall be fined not less than ten dollars nor more than one hundred dollars for the first offense and for a subsequent offense not less than twenty-five dollars, nor more than two hundred dollars or be imprisoned not less than thirty days or more than six months, or both. Prosecutions for a violation of the provisions of such section shall be instituted only upon complaint of the person or his agent upon whose land or rights in land or waters the trespass has been committed. (97 v. 476, § 24.)

Hunting and trapping.

SECTION 78. No person shall hunt or trap upon the lands, ponds, lakes or private waters of another, except waters claimed by the riparian rights of ownership of adjacent lands, or shoot thereon, shoot at, catch, kill, injure or pursue a bird, wild fowl or wild animal without obtaining the written permission from the owner or his authorized agent. In all prosecutions under this section the complainant shall not be required to prove a legal title to the lands or waters upon which the defendant has unlawfully hunted or trespassed, but it shall be sufficient if he proves that he

Written permission of owner or agent.

is in the lawful possession or control thereof. (97 v. 474, § 20.)

SECTION 79. Whoever violates any provision of the last preceding section shall be fined not less than ten dollars nor more than fifteen dollars for the first offense, and not less than fifteen dollars nor more than fifty dollars for any subsequent offense, and in default of payment of fine and costs shall be committed to the jail of the county or to a workhouse and there confined one day for each one dollar of fine and costs adjudged against him. He shall not be discharged therefrom by any board or officer except upon payment of the portion of fine and costs remaining unsatisfied by service therein or upon the order of the commissioners of fish and game. (97 v. 474, § 20.)

Violation.
Penalty.

SECTION 80. Upon the petition of not less than five freeholders of a county, the county commissioners of such county shall erect, maintain and keep open and free for the passage of fish, a sufficient passageway or chute over a dam across a river or creek. The commissioners shall let the work of erecting such passageway or chute and providing the materials therefor, to the lowest responsible bidder, and, when built and accepted by them, all expenses attendant upon its erection, maintenance or keeping open and free shall be paid out of any funds of such county not otherwise appropriated upon the approval of the county commissioners. Nothing in this section shall compel county commissioners to erect, maintain or keep open and free passageways or chutes for fish over dams owned by the state, but such passageways or chutes shall be erected, maintained and kept open and free by the board of public works. (R. S. Sec. 4219.)

Passageway or chute for fish.

SECTION 81. Fish lawfully taken or caught and confined in a net or by a device authorized by law shall be the property of the person, firm or corporation operating such net or device and shall be the subject of larceny. (R. S. Sec. 6968-4.)

Fish confined in net, subject of larceny.

SECTION 82. No change herein made in the name of an office or board existing when this act takes effect shall create or constitute a new office or board. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for which they were severally elected or appointed as if this act had not been passed. A reference in any law to a section of "The Revised Statutes of Ohio," act of the general assembly or part thereof herein repealed, shall be deemed to refer to the provisions herein incorporated of such section, act or part thereof. (Codifying Commission.)

SECTION 83. That the following sections of the Revised Statutes, and acts and parts of acts of the general assembly are hereby repealed:

The act of April 25, 1904, entitled "an act creating a fish and game commission, prescribing its duties and powers, etc.", 97 v. 463, known as (405), (406), (407), (408),

(409), (409*a*), (409*b*), (409*c*), (409*d*), (409*e*), (409*f*), (409*g*), (409*h*), (409*j*), (409*k*), (409*l*), (409*m*), (409*n*), (409*o*), (409*p*), (409*q*), (409*r*), (409*s*), Bates' statutes;

Sections 6968-1, 6968-2, 6968-3, 6968-4;

The act of April 2, 1906, entitled "an act to provide for the protection, preservation and propagation of fish", 98 v. 197, known as (6968-7) Bates' statutes;

The act of April 2, 1906, entitled "an act to prohibit the destruction of fish by means of explosives and poisonous substances", 98 v. 250, known as (6968-8) Bates' statutes;

Sections 4216, 4217, 4218, 4219.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
182G.

[Senate Bill No. 532.]

AN ACT

To amend sections 643 and 649 of the Revised Statutes, relating to purchase of supplies for the state institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 643 and 649 of the Revised Statutes be amended so as to read as follows:

Sec. 643. It shall be the duty of the board of trustees or managers of each state, benevolent and correctional institution to make specific rules and regulations in respect to the manner in which supplies shall be purchased through sealed proposals to furnish at the institution such articles as can be purchased in that manner. At any time the board may require the bids for any article or articles to be accompanied with a bond in such amount as the board shall direct, with good and sufficient surety that the bidder, if the contract is awarded to him, will faithfully fulfill and perform the contract on his part. The steward or financial officer shall open all such sealed proposals at a place open to the public and in the manner provided by the board and in the presence of the board or such person or persons as they may designate. All envelopes containing proposals shall be marked with the words "Sealed proposals for ....." (In blank space insert name of article or class of supplies upon which the sealed proposal

Sealed bids.

Opening of sealed bids.

Envelopes, how marked.

is made.) All such contracts shall be awarded to the lowest responsible bidder, all bids shall be itemized and contracts awarded wherever possible on each separate item, and all supplies thus furnished shall be according to samples or specifications, or the same shall be rejected. In all cases the right shall be reserved to reject any or all bids, and to invite further bids or in case of immediate necessity to direct the purchase of such article or articles by private contract under such rules and regulations as the board shall prescribe. Any responsible manufacturer, jobber, firm or producer desiring to sell supplies to an institution shall by filing with the steward or financial officer thereof a memorandum showing the address and business, be afforded an opportunity to compete for the furnishing of supplies.

Right reserved to reject any and all bids.

Sec. 649. Under the authority and advice of the superintendent and in accordance with the regulations of the board of trustees or managers, the steward or financial officer of such institution shall purchase all its supplies, upon the best possible terms and at the lowest cash value. But before making such purchase, he shall submit to the board of trustees or managers at their monthly meeting a detailed estimate, showing the requirements of the institution for the following month. Such statement must show the approximate amounts necessary to be expended by such steward or financial officer in his department, for which money has been appropriated by the general assembly, and the special purpose for which it is to be used, including the quantity, quality and estimated cost, as nearly as can be determined, of each article to be purchased or repairs to be made. Before such estimate shall be submitted to the board, it shall be approved by the superintendent of the institution, signed by him and the steward or financial officer thereof. He shall also see that the grounds, buildings, and all other property belonging to the state are properly preserved and kept in order, and shall perform such other duties as are assigned him by the board of trustees or managers or by the superintendent.

Supplies, purchase of, at lowest cash value.

Monthly estimate.

Approval of superintendent.

SECTION 2. That said original sections 643 and 649 of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
183G.

[Senate Bill No. 533.]

AN ACT

To amend sections 7, 8, 16 and 19 of the act of April 2, 1906, (98 v. 292) entitled, "An act to authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such districts," relating to the organization of road districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7, 8, 16 and 19 of an act entitled, "An act to authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with the power to improve roads in such districts," passed April 26, 1898, as amended April 2, 1906, be amended so as to read as follows:

Term of office.

Sec. 7. The commissioners so appointed shall hold their office during a term of four years, and each road commissioner shall hold office till his successor is appointed and qualified, unless removed for incompetency or neglect of duty by said county commissioners. Before entering upon the discharge of his duties, each commissioner shall take an oath of office to honestly and impartially discharge the duty thereof with a view to the public welfare, and give bond in the sum of fifteen hundred dollars, payable to the state of Ohio, for the use of the road district, conditioned that he will so discharge his duties, which shall be approved by the county commissioners and kept on file in the county auditor's office. Each commissioner shall receive two dollars compensation for each day actually employed, nor shall livery hire nor expense be allowed.

Bond of commissioners.

Compensation of commissioners.

Compensation of engineer, assistants and laborers.

The engineer employed by the road commissioners shall receive not more than four dollars per day, and each assistant and each laborer shall be allowed not more than one dollar and seventy-five cents per day for each day actually employed, as may be agreed upon by the road commissioners.

The clerk or bookkeeper employed by the road commissioners shall be allowed not more than one dollar and fifty cents per day, as shall be agreed upon by the road commissioners. The compensation of the commissioners, engineer and assistants shall be allowed by the county commissioners, and the same and counsel services, together with any and all other necessary expenses shall be paid out of the road fund raised for the purpose of making such road improvement.

Expenses, how paid.

Sec. 8. Immediately after the report of such road commissioners and the map and profile of such engineer have been filed, such road commissioners shall, in determining which road shall be first improved of those designated, select the most public roads of the road disrict and

if in their opinion it is not expedient to undertake the improvement of such selected roads in all directions at one time, they shall proceed to first improve the most prominent thoroughfare in such district.

Prominent thoroughfare, improved first.

Sec. 16. For the purpose of providing money necessary to meet the expense of improving said roads, the said board of road commissioners, if in their opinion it is advisable, shall issue bonds of the said road district, payable at such times as they may determine, not exceeding twenty-five years in sums of five hundred to one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually. But such bonds shall not be sold for less than their par value and accrued interest, and the aggregate amount of the bonds of any such road district at any time outstanding shall not exceed two hundred and fifty thousand dollars, save and except in road districts where the total tax valuation of all the property within said district as listed for taxes shall exceed the sum of five million dollars, and in such districts where the said taxable property so exceeds the said sum of five million dollars, the commissioners of such districts shall have power at their discretion to issue and sell the bonds of such districts in the additional sum of twenty-five thousand dollars for each whole million dollars tax value of the taxable property of said district in excess of five million dollars.

Bond issue.

Maximum of outstanding bonds specified.

The sale of all such bonds shall be advertised for at least thirty days in two newspapers in such county and the secretary or clerk of such board shall send marked copies of such advertisement to at least ten leading bond buyers in the state or other states and such bonds shall be sold to the highest responsible bidder. Said road commissioners shall have the right to reject any and all bids.

Publication of sale of bonds.

Sec. 19. All improved roads in said district shall be kept in repair by the road commissioners in the same manner as is provided by the general statutes for repair of roads; and to enable said road commissioners to keep the same in repair, there shall be annually levied by the county commissioners, upon each dollar's valuation of all taxable property in said road district an amount not exceeding one mill as may be deemed necessary by the road commissioners and the county auditor shall place the amount of taxes levied each year for such repairs upon the duplicate of the taxable property of the road district, including all cities and villages therein, and the same shall be collected by the county treasurer as other taxes are collected, or by distress or civil action. It shall be proper for the road commissioners to charge all expense incurred in the repair of roads to the repair fund of such road district and pay the same out of said fund.

Roads, repair of.

Expense of road repairs, how charged.

SECTION 2. That sections 7, 8, 16 and 19 of said act, entitled "An act to authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous

and compact territory, with power to improve roads in such districts," as amended, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
184G.

[Senate Bill No. 542.]

AN ACT

To supplement section 3 of the act of March 3, 1904 (97 v. 30), entitled, "An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc.," relating to penalty for resisting inspection officers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to create the office of dairy and food commissioner, provide for his election, term of office, duties, salaries, expenses, office, disposition of fines collected, annual reports, etc.," as amended March 3, 1904 (97 v. 30), be supplemented by a supplementary section as follows:

Refusal to allow commissioner or inspectors to enter factory, etc.

Sec. 3*a*. Any person or persons who refuse to allow said commissioner, or any assistant commissioner or any inspector, or any of his agents entrance to any creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric cars, or place which he desires to enter in the discharge of his official duty; or in any manner interfere with said commissioner, or any assistant commissioner, or any inspector, or agent in the discharge of his official duty; or refuse to deliver to him a sample of any article of food, drug, or linseed oil made, sold, offered or exposed for sale by such person or persons, when the same is requested and when the value thereof is tendered, shall be fined not exceeding two hundred nor less than fifty dollars, for the first offense, and for each subsequent offense shall be fined not exceeding three hundred nor less than one hundred dollars, or imprisoned in the county jail not exceeding one hundred, nor less than thirty days, or both.

Penalty.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
185G.

[Senate Bill No. 543.]

AN ACT

To amend sections 7304 and 7358 of the Revised Statutes of Ohio, relating to bills of exceptions in criminal cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7304 and 7358 of the Revised Statutes of Ohio, be so amended as to read as follows:

Sec. 7304. If a defendant feels himself aggrieved by any decision of the court, he may present his bill of exceptions thereto, which the court shall sign, and the same shall be made a part of the record, and have the same force and effect as in civil cases; if exceptions be taken to the decision of the court overruling a motion for a new trial, because the verdict is not sustained by sufficient evidence, or is contrary to law, the bill of exceptions must contain all the evidence; and the taking of all bills of exceptions shall be governed by the rules established in civil cases. The bill of exceptions shall be filed with the pleadings and papers, but not recorded, unless the court for good reasons shall so order; and evidence must not be recorded.

Bill of exceptions, effect of.

Sec. 7358. The proceedings to review any such judgment shall be by petition in error, to which shall be attached such transcript, and also any original papers received by the clerk, except that it shall not be necessary to include in the transcript of the record any bill of exceptions, but the original bill of exceptions may be attached in lieu of the transcript of the record thereof. And the court in which the review is sought may, by summary process, compel a more complete record to be furnished, and such original papers to be forwarded.

Review of judgment by petition in error.

SECTION 2. That said original sections 7304 and 7358 of the Revised Statutes be and the same are hereby repealed; and this act shall apply to pending prosecutions and causes of action.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
186G.

[Senate Bill No. 545.]

AN ACT

To require the payment by the county auditor of claims for clerical services rendered in correcting errors and omissions on the tax duplicate, after allowance of such claims by the county commissioners.

Be it enacted by the General Assembly of the State of Ohio:

Services rendered in correcting errors on tax duplicate, how paid.

SECTION 1. That wherever the board of county commissioners of any county has allowed compensation for any services heretofore rendered in correcting errors and omissions on the tax duplicate, which services were performed under the direction of any board, or any member thereof, acting or claiming to act under the provisions of section 2690*m*, or exercising or attempting to exercise the powers and duties of a board of equalization, upon presentation to the county auditor of a certified copy of the minutes of the county commissioners showing such allowance, he shall allow and pay the same in accordance therewith; provided, that such certified copy shall be presented to the auditor within ten years from the date of such allowance.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
187G.

[Senate Bill No. 546.]

AN ACT

To amend section 1 of the act of March 28th, 1906, (98 v. 120) entitled, "An act to provide for the release and discharge of county, city, village, township and school district treasurers and their sureties in certain cases," relating to the discharge and release of said treasurers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of the act of March 28th, 1906, (98 v. 120) entitled, "An act to provide for the release and discharge of county, city, village, township and school district treasurers and their sureties in certain cases," be amended to read as follows:

Loss of public funds, excusable in certain cases.

Sec. 1. When without fault or negligence of the officer instrusted by law with the care of the same, a loss of public funds intrusted to a county, city, village, township or school treasurer, by virtue of his office, has heretofore been

or hereafter may be caused by fire, robbery, burglary or inability on the part of the bank to refund public money lawfully in its possession belonging to such public funds; the county commissioners, in case of such loss by a county treasurer, and the city or village council, township trustees and boards of education, in like cases of loss by city, village, township and school treasurers, respectively, are hereby authorized and empowered, to release and discharge such treasurer and the sureties upon his official bond from all liability to or demands of the county, city, village, township or school district interested, for such loss so created and arising; provided that before such release and discharge shall be affected such board of county commissioners, city or village council, township trustees or board of education, effecting such release and discharge, shall find, that such loss of public funds was not occasioned by the fault or negligence of such treasurer, and shall cause an entry of such finding to be made upon the record book of the proceedings of the council or board; provided further that in cases of loss by county treasurers, the county commissioners, and in cases of loss by city or village treasurers the city or village council, and in cases of loss by township treasurers, the township trustees and in cases of loss by school treasurers, the board of education of the school district; having first made and caused to be entered the finding of no fault or negligence as above provided, may and they are hereby authorized, at the next ensuing general election to be held in such county, city, village, township or school district, respectively, to submit to the qualified electors of said county, city, village, township or school district interested the question of discharging such treasurer and sureties upon his official bond from liability on account of such loss of funds.

Discharge of treasurer, submitted to electors.

Provided further than whenever twenty-five per cent. of the qualified electors of such county, in cases of county treasurers, or a like percentage of qualified electors in cases of city, village, township or school treasurers, shall petition the council or board for the privilege to determine by ballot whether any treasurer and the sureties on his official bond shall be released and discharged, such council or board shall, and they are hereby required to submit such question to the qualified electors of said county, city, village, township or school district interested, as herein provided. Provided that any tax payer of the county, township, municipality or school district affected may within five days after any finding of release or discharge provided for in this act is made, take an appeal therefrom to the common pleas court of the county, and until such appeal is finally determined such finding and other proceedings shall not affect such release and discharge. Notice in writing of such intention to appeal shall be filed with the clerk or auditor of the board or council making such finding within five days thereafter, and a transcript of the said finding and other proceedings shall within thirty days after said finding be

Appeal.

filed in said common pleas court and docketed therein as other cases. Whereupon the court shall proceed to try and determine the question whether such public funds were lost by the fault or negligence of such treasurer; and in case it be found that they were, the finding of the board or council below ordering such discharge shall be vacated; but in case they were not, then such finding shall remain in full force, and the court shall cause its judgment to be certified to the board of council making such finding.

SECTION 2. That said original section 1 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
188G.

[Senate Bill No. 548.]

AN ACT

To amend section 2 of the act of April 27, 1896 (92 v. 316), entitled, "An act to protect persons and property from danger at grade crossings of one railroad over another," relating to devices for grade crossings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2 of an act entitled, "An act to protect persons and property from danger at grade crossings of one railroad over another," passed April 27, 1896 (92 v. 316), be and the same is hereby amended so as to read as follows:

Sec. 2. When, in the opinion of the railroad commission, the public safety requires protection, where two steam railroads cross at grade, or where a steam railroad crosses an interurban, electric or street railroad at grade, or where one interurban railroad crosses another interurban railroad at grade, or where any steam or electric railroad crosses a street or highway at grade, the commission shall have the power upon its own motion, or upon complaint, after notice to the railroads interested, and full investigation, to make an order requiring the railroads so intersecting and crossing at grade to install such device or devices as in the opinion of the commission will properly protect the crossing, and to make such further or other order regulating the speed of and the running of trains or cars and switching of cars over such crossing or street and the commission shall apportion the expense of installation and maintenance of such device or devices between the railroad companies

Safety devices, installation of.

whose tracks are thus protected. At the time and place named for hearing, unless the hearing is for good cause continued, said commission shall proceed to try the question, of whether or not the crossing shall be protected by interlocking or other safety devices, and shall give all companies and parties interested an opportunity to be fully heard; and after such hearing said commission shall enter an order upon a record book, or docket, to be kept for the purpose, granting or denying such petition; and in case the same is granted, such order shall prescribe the interlocking or other safety devices for such crossing and all other matters which may be deemed proper to the efficient protection of such crossing, and in such order the commission shall designate the proportion of the cost of the construction of such plant, and the expense of maintaining and operating the same, which each of the companies or persons concerned shall pay, and shall also fix the time within which such appliance shall be put in and such order complied with.

Apportioning of cost by commission.

SECTION 2. That original section 2 of the act of April 27, 1896, (92 v. 316) entitled, "An act to protect persons and property from danger at grade crossings of one railroad over another," be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

189G.

[Senate Bill No. 551.]

AN ACT

To supplement section 4447 of the Revised Statutes of Ohio, by enacting section 4447a, relating to the construction of county ditches over or near the courses of natural waterways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4447, of the Revised Statutes of Ohio, be supplemented by the enactment of a supplementary section, to be known as section 4447*a*, as follows:

Sec. 4447*a*. The commissioners of any county, at any regular or called session, whenever it is necessary to drain any low, wet, marshy or swampy lots or lands lying and being within the limits of a municipal corporation in such county and along or near the channel of any river, living stream or natural water course, and the drainage of such lots or lands will, in the opinion of such commissioners, be

Marshy lands, within municipal corporation, how drained.

conducive to the public health, convenience or welfare, may, in the manner provided in this chapter, cause to be located and constructed a new artificial channel, in whole or in part, over, along or near the natural channel of any such river, living stream or natural water course within such municipal corporation and for a distance of not more than four miles in each direction from the corporate limits of such municipal corporation, or for any part of such distances and, within such limits and distances, box or tile, in whole or in part, such natural channel or such artificial channel, or both of such channels; and such channel or channels, when so located and constructed, shall thereafter be subject to the further jurisdiction of such commissioners to the same extent as county ditches. The method of procedure, the rights of appeal, the mode of perfecting the same, and the procedure thereon, shall be the same as in the proceedings for the establishment of county ditches.

Box or tile, use of, permitted.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

190G.

[Senate Bill No. 556.]

AN ACT

To authorize the reduction of cities to villages in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

Reduction of cities to villages.

SECTION 1. Any city from which territory has been detached since the last federal census, may surrender its corporate rights as such city and be reduced to a village in the manner hereinafter specified.

Petition, what to specify.

SECTION 2. A petition for the purpose signed by at least 100 of the citizens of such city shall be presented to the council setting forth that by reason of the detachment of territory the population of the city has been reduced to less than 5,000 and that a majority of the citizens of the city desire to surrender the corporate rights of such city and be reduced to a village and it shall contain a prayer that the council authorize the taking of a census in the city for the purpose of ascertaining its population.

SECTION 3. Upon the presentation of a petition as provided for in the preceding section the council shall by resolution at its next regular meeting authorize the city clerk to cause a census of the city to be taken and report the result of such census to the city council. It shall be necessary to read the resolution herein provided for but once and it shall be published as other resolutions of a general or permanent nature.

Census resolution, one reading sufficient.

SECTION 4. For the purpose of taking the census of the city the city clerk shall within five days from the time that he is authorized to cause a census to be taken, appoint five persons to take the enumeration provided for in the second section of this act. Each person appointed to make such enumeration shall take an oath or affirmation to make such enumeration accurately and truly to the best of his skill and ability. For the purpose of taking a census of such city each enumerator shall be provided with a book in which he shall record correctly the name of each resident of the city together with the name of the street and the number of the house in which he lives. When making return thereof to the clerk of such city he shall accompany the same with the book containing the list of the names and addresses herein provided for, and with his affidavit duly certify that he has taken and returned the census accurately and truly to the best of his knowledge and belief; and that such lists contain the names of all such persons so enumerated and none others.

Affidavit, as to enumeration.

The clerk of the city or any officer authorized to administer oaths may administer such oath or affirmation, and take and certify such affidavit, and such person or persons taking the census shall be allowed by the clerk out of his contingent fund $3.00 per day as compensation for services.

Compensation.

SECTION 5. The enumerators appointed by the clerk of the city shall within ten days from the date of their appointment complete the enumeration of said city and return their books to the clerk, whereupon the clerk shall make an abstract of the enumeration so taken and transmit it to the council at its next regular meeting after the report of the enumerators to the city clerk, and if the result of the census shows that the population of such city is less than 5,000 the council shall by resolution declare the corporate rights of the city surrendered and that such city is reduced to a village.

Abstract, transmitted to council.

SECTION 6. If the council shall fail to comply with section 3 of this act to authorize the city clerk to take the census of such city, or the clerk shall fail to proceed under section 4 hereof, then upon the presentation of a copy of the petition provided for under section 2 of this act to the county commissioners of the county in which such city is situated, the county commissioners shall forthwith appoint five enumerators resident electors of such city who shall perform all and singular the duties imposed upon them by

Commissioners, duty, in certain cases.

section 4 of this act, after having first taken an oath or affirmation to take the census of the city accurately and truly to the best of their skill and ability.

SECTION 7. The enumerators provided for in the preceding section shall within ten days from the date of their appointment by the county commissioners complete their work of enumerating and return their books duly verified to the county commissioners; whereupon the commissioners shall canvass the result of the census so taken, and the county auditor shall make a transcript of the same and transmit a certified copy thereof to the council of the city for which the enumeration was taken. A copy of such transcript shall be spread upon the journal of the council and if the result of the census so taken show the population of such city to be less than 5,000 the council shall pass the resolution provided for in section 5 of this act and the city shall cease to be a city forthwith become a village.

Transcript transmitted to council.

SECTION 8. The clerk shall thereupon cause two certified transcripts of the resolution to be made, one of which shall forthwith be delivered to the recorder of the county in which such city is situated, who shall record the same in the proper records in his office and the clerk shall forward the other to the secretary of state.

Resolution of council, where recorded.

SECTION 9. The surrender of corporate rights as herein provided for shall not be held to affect rights accrued or liabilities incurred by such city or the power to settle claims, dispose of property or levy and collect taxes, to discharge liabilities incurred, but the same shall remain in force and effect as also the corporate character of such municipal corporation in respect thereto as though no surrender had been made. It shall be unlawful for such city or the council thereof after the presentation of such petition to incur or create any new debt or liability or enter into any new contract or increase the debts and liabilities of such city in any manner during the pendency of the petition herein provided for and until the result of the census is declared except that current expenses may be paid or provided for.

Surrender of corporate rights, effect of.

SECTION 10. Collection and disbursement of taxes. Taxes which at the time of the surrender remained due and unpaid shall be collected and the same and all the moneys in the treasury of the city shall be applied to the objects for which they were raised and in case moneys remain in hand after the debts and liabilities of the city are discharged they shall be paid into the treasury of the village and all property owned by the city at the time of the surrender shall become the property of the village and the title thereto vest in it.

Property, title to, where vested.

SECTION 11. When such census shall be taken pursuant to the order of the board of county commissioners the necessary expenses thereof shall be paid out of the county treasury as other county expenses, but shall be charged against such municipal corporation in which census was taken and the amount so paid by the county shall be retained

by the county auditor from the funds due such municipal corporation at the time of making the next semi-annual distribution of taxes.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

191G.

[Senate Bill No. 569.]

AN ACT

To supplement section 3821*a* of the Revised Statutes of Ohio by enacting section 3821*aa*, providing for further investments by saving societies, savings and loan associations and safe deposit and trust companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3821*a* of the Revised Statutes of Ohio be supplemented as follows:

Sec. 3821*aa*. Saving societies, savings and loan associations and safe deposit and trust companies heretofore or hereafter organized under or by act of the general assembly of this state, or organized or doing business under the laws of this state, in addition to the powers heretofore conferred upon such corporations, be, and hereby are, authorized, in addition to the investments named in sections 3806, 3812, 3813 and 3821*a* of the Revised Statutes, to loan and invest the funds, moneys and properties owned or received by such companies, respectively, and to the respective amounts prescribed in said sections, respectively, in the legally authorized first mortgage bonds of steamship companies; provided that such mortgages shall be upon steel steamships or steamships for the carriage of freight, or package, freight, and passengers combined, upon the great lakes and connecting waters, of at least five thousand tons carrying capacity each; provided such bonds are issued at the time of completion and enrollment of such steamship or steamships, or within five years thereof; and provided, further, that, by the express terms of said mortgage, at least ten per cent., of the total issue of said bonds shall be retired annually, beginning within two years from the date of said bonds, and that the mortgage liability against said property shall not exceed one-half of its actual cost; and provided, further, that the trustee of such mortgage shall be required to protect the lien of said mortgage by attending to the recording

Steamship companies, first mortgage bonds of.

Insurance, to whom payable.

thereof, and by causing the property covered by said mortgage to be insured against all risks on vessel property ordinarily covered by such insurance, including marine risks and disasters, general and particular average, collision, liability, protection and indemnity insurance, and insurance against liability for injuries to persons, in insurance companies and under forms of policies approved by the trustee for an amount equal to the full insurance value of such steamship or steamships; such insurance to be made with loss payable to said trustee and the policies deposited with it; provided. further, that, by the terms of such mortgage, the mortgagor shall not suffer any such steamships so mortgaged to be indebted, at any one time, in an amount, in the aggregate, exceeding five per cent. of its actual cost, and that the failure of the mortgagor to forthwith procure the release of such steamship or steamships from mechanics', laborers', admiralty, statutory, or other liens, claims or charges against such steamship, shall constitute a default in the provisions of such mortgage.

Liens, effect of.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

192G.

[Senate Bill No. 586.]

AN ACT

To define, charter, organize, regulate and empower Young Men's Christian Associations of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That a society of men conducting religious services, performing christian work and co-operating for the mutual benefit of the membership, shall be known and designated in this bill as a young men's christian association not for profit; and whenever such a society shall have received the approval of the state association, and shall file such application and certificate of approval with the secretary of state and pay a fee of ten dollars he shall cause to be issued to it these articles of incorporation.

State association, approval of.

Management, control, etc.

SECTION 2. The management and control of the association shall be vested in five or more trustees. They may be elected for a term of not less than one nor more than five years, but the term of office of an equal number shall expire each year.

SECTION 3. The association may adopt regulations for its government. Its trustees shall have power to provide rules for the business of the association and for the conduct of the members, departments, branches, committees, officers, employes and guests.

Trustees, powers of.

SECTION 4. The association shall have power to conduct such work and organize such departments as may be deemed by its trustees necessary to attain the purposes of the organization; it may organize through its trustees, under such rules as they may adopt, branches which may become co-ordinate parts of the association; it may receive dues, fees, fines, assessments and contributions from the members and apply them to their designated use; it may accept legacies, devises, bequests, savings, donations and other grants and administer the same.

Branches, organization of.

SECTION 5. It may acquire, hold, convey, lease, encumber (by mortgage only), improve and otherwise handle any and all real or personal property that may be necessary or convenient to enable the association to carry out its aims and objects, provided that no property of such corporation shall be liable for any debt or obligation contracted without the approval of the board of trustees. It may in all respects deal with minors the same as it deals with adults. It may dissolve, subject to the contract rights of its members, by a majority vote of the membership and by filing with the secretary of state a copy of the certificate of their action.

Dissolution, where filed.

SECTION 6. The young men's christian associations in Ohio may unite and constitute the state association for the supervision and conduct of their work in the state. The associations affiliated with the state association, through their representatives, may make such regulations as they may deem necessary; may choose such officers as they may determine upon and may delegate such duties as they desire for the conduct of the work in the state to a state committee to be chosen as the state association may decide. The state association may incorporate and exercise the provisions of this act, and when so incorporated and organized may receive young men's christian associations into affiliation, and it shall have the power to pass upon all applications for the incorporation of said associations under this act, causing to be affixed thereto, a certificate of its approval.

State association, power of, as to applications for incorporation.

SECTION 7. It shall be the duty of every affiliated association to file with the state association a copy of its constitution, rules and regulations. And annually thereafter any changes therein, together with a schedule of its property; a financial statement, and such a report of its activities as the state association shall determine. Once a year the state association shall make to the auditor of state a statistical report and summary of the associations reporting to it. But nothing contained in this act shall be deemed to

Financial statement.

limit or restrict any power or authority now or hereafter conferred upon any corporation not for profit.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
193G.

[Senate Bill No. 598.]

AN ACT

To amend section 3 of an act entitled, "An act to provide for the erection, organization and management of the Lima state hospital for insane," passed April 2, 1906, to provide compensation for members of building commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled, "An act to provide for the erection, organization and management of the Lima state hospital for insane," passed April 2, 1906, be amended so as to read as follows:

Sec. 3. Within sixty days after the passage of this act the governor shall appoint a commission of six members, at least two of whom shall be experienced in the care and treatment of the insane, and not more than three of whom shall be of the same political party, to be known as a "board of commissioners for the erection of the Lima state hospital." The members of the commission shall each receive as compensation for their services the sum of five hundred dollars per annum, payable monthly, and they shall be allowed and paid their necessary expenses from any appropriation made for the erection of the Lima state hospital or for the use of said commission. This act shall operate and apply to the present building commission from and after its passage.

Board of commissioners for the erection of the Lima state hospital.

SECTION 2. That section 3 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
194G.

[House Bill No. 684.]

AN ACT

To provide that names of candidates for township offices be placed on separate ballots.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to amend sections 483, 567, 581 and 1442 of the Revised Statutes of Ohio, and sections 222 and 223 of an act entitled 'An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuses of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith,' passed October 22d, 1902, relating to the time and manner of holding elections, and of beginning the terms of justice of the peace, officers of township, villages and cities and to the election and term of office of superior court judges," passed March 17th, 1904, be and the same is hereby amended so as to read as follows:

Sec. 3. The names of all candidates to be voted for on the first Tuesday after the first Monday in November hereafter, shall be arranged in single tickets or lists under the respective party, political or other designation certified, in the order and manner provided by law, and except as hereinafter provided shall be placed upon the same ballot; provided, that the names of candidates for municipal officers and the names of candidates for township officers and justices of the peace shall be printed upon separate ballots, unless the corporate limits of a city or village are identical with those of a township; and provided, further, that nothing in this section shall be construed to affect the provisions of "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," passed April 24, 1894, or any special or general act providing for the election of school directors or members of boards of education and school councils.

Separate ballots, for township officers.

SECTION 2. That said section 3 be and the same is herewith repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

195G.

[House Bill No. 686.]

AN ACT

To establish a law uniform with the laws of other states on warehouse receipts.

Be it enacted by the General Assembly of the State of Ohio:

PART I.

THE ISSUE OF WAREHOUSE RECEIPTS.

SECTION 1. Warehouse receipts may be issued by any warehouseman.

Warehouse receipts, embodiment of.

SECTION 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms—

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the packages containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

Omissions, liability of warehouseman, for.

A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

SECTION 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

SECTION 4. A receipt in which it is stated that the

goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt. Non-negotiable receipt, defined.

SECTION 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt. Negotiable receipt, defined.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

SECTION 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt. "Duplicate."

SECTION 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. "Non-negotiable."

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

PART II.

OBLIGATIONS AND RIGHTS OF WAREHOUSEMEN UPON THEIR RECEIPTS.

SECTION 8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with— Delivery of goods, upon demand.

(a) An offer to satisfy the warehouseman's lien;

(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and,

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

SECTION 9. A warehouseman is justified in deliver-

ing the goods, subject to the provisions of the three following sections, to one who is—

(a) The person lawfully entitled to the possession of the goods, or his agent;

Written authority.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or,

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

Liability of warehouseman.

SECTION 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either—

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or,

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods,

SECTION 11. Except as provided in section 36, where a warehouseman delivers goods for which he has issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

SECTION 12. Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Alteration of receipt, effect of.

SECTION 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Fraudulent alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Lost receipt, action of court as to.

SECTION 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Duplicate.

SECTION 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncancelled at the date of the issue of the duplicate, but shall impose upon him no other liability.

SECTION 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Disputed title, how treated.

SECTION 17. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

SECTION 18. If some one other than the depositor or person claiming under him has a claim to the title or pos-

session of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SECTION 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

SECTION 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Marks, labels, etc.

SECTION 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Diligence, degree of.

SECTION 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

SECTION 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Mingled goods.

SECTION 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

SECTION 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying

the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Garnishment, goods exempt from.

SECTION 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

SECTION 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Warehouseman's lien.

SECTION 28. Subject to the provisions of section 30, a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Lien, how lost.

SECTION 29. A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

SECTION 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

SECTION 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

SECTION 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Lien, satisfaction of.

SECTION 33. A warehouseman's lien for a claim which has become due may be satisfied as follows:

Written notice.

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

Auction sale.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

Proceeds of sale, disposition of.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of

notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Perishable goods, sale of.

SECTION 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or, by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse and in the event of failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

SECTION 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

SECTION 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

PART III.

NEGOTIATION AND TRANSFER OF RECEIPTS.

Negotiation and transfer of receipts, by delivery.

SECTION 37. A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

SECTION 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

SECTION 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Negotiable receipt, by whom negotiable.

SECTION 40. A negotiable receipt may be negotiated—

(a) By the owner thereof, or,

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Effect of negotiation.

SECTION 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and,

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

SECTION 42. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also ac-

quires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Attachment or execution, when valid.

SECTION 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

SECTION 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

Warranties.

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and,

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

SECTION 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

SECTION 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Mortgagee, pledgee, etc.

SECTION 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value there-

for, without notice of the breach of duty, or fraud, mistake, or duress.

SECTION 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Seller's lien, effect of.

SECTION 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiations be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

PART IV.

CRIMINAL OFFENSES.

Crimes.

SECTION 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars or by both.

Penalty.

SECTION 51. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Penalty.

SECTION 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of

a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. Penalty.

SECTION 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. Penalty.

SECTION 54. A warehouseman, or any officer, agent, or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. Penalty.

SECTION 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment in the penitentiary not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. Penalty.

PART V.

INTERPRETATION.

SECTION 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern. Cases not provided for, rules of law to govern.

SECTION 57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 58. (1) In this act, unless the context or subject matter otherwise requires—

"Action" includes counter claim set-off, and suit in equity. Definitions of words and phrases.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property thereon.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

SECTION 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

SECTION 60. This act shall take effect and be in force on and after the first day of January, one thousand nine hundred and nine.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

196G.

[House Bill No. 687.]

AN ACT

To establish a law uniform with the laws of other state on sales.

Be it enacted by the General Assembly of the State of Ohio:

PART I.

FORMATION OF THE CONTRACT.

Formation of the contract.

SECTION 1. (1.) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2.) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3.) A contract to sell or a sale may be absolute or conditional.

(4.) There may be a contract to sell or a sale between one part owner and another.

SECTION 2. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property,

Necessaries, sale of, to infant or person of unsound mind.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

Formalities of the contract.

SECTION 3. Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

SECTION 4. (1.) A contract to sell or a sale of any goods or choses in action of the value of twenty-five hundred ($2500.00) dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2.) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract or sale be actually made,

procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

Exception to this act.

(3.) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT.

Subject matter of contract.

SECTION 5. (1.) The goods which form the subject of the contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2.) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3.) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

SECTION 6. (1.) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

Fungible goods.

(2.) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the definciency from similar goods unless a contrary intent appears.

Specific goods, sale of.

SECTION 7. (1.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a.) As avoided, or

(b.) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible or to pay the agreed price for the goods in which the property passes if the sale was divisible.

SECTION 8. (1.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a.) As avoided, or,

(b.) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

The price.

SECTION 9. (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Reasonable price.

SECTION 10. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, can not or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by Parts IV and V of this act.

Conditions and warranties.

SECTION 11. (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

SECTION 12. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

Opinion, statement of, not warranty.

SECTION 13. In a contract to sell or a sale, unless a contrary intention appears, there is—

(1) An implied warranty on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

Sale, by description.

SECTION 14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

SECTION 15. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or

condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

Patent or trade name.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE.

Sale by sample.

SECTION 16. In the case of a contract to sell or a sale by sample—

(a) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

Transfer of property.

SECTION 17. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SECTION 18. (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

SECTION 19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

Sale, on approval.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction.

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1). Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

Delivery, effect of.

(2). Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the

goods are marked with the words collect on delivery or their equivalents.

Rule 5. If a contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

SECTION 20. (1). Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession of property in the goods until certain conditions have been fulfilled. The right of possession of property may be thus reserved notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer.

Bill of lading, effect of.

(2). Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3). Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

Drafts, for price, upon buyer.

(4). Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Auction sales.

SECTION 21. In the case of a sale by auction:

(1). Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2). A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is

made any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3). A right to bid may be reserved expressly by or on behalf of the seller.

"Bidding in" unlawful.

(4). Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SECTION 22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(a.) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b.) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE.

Transfer of title.

SECTION 23. (1.) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Nothing in this act, however, shall affect—

(a.) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b.) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Voidable title, effect of.

SECTION 24. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

SECTION 25. Where a person having sold goods con-

tinues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

SECTION 26. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

SECTION 27. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Negotiable document of title.

SECTION 28. A negotiable document of title may be negotiated by delivery.

(a.) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b.) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

Indorsements, effect of.

SECTION 29. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

SECTION 30. If a document of title which contains an undertaking by a carrier, warehouseman, or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting, or defining the effect upon the obligations of

Exceptions to this act.

the carrier, warehouseman, or other bailee issuing a document of title of placing thereon the words "not negotiable" "non-negotiable," or the like.

SECTION 31. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

Negotiation, by whom performed.

SECTION 32. A negotiable document of title may be negotiated—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by the terms of the document the bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

SECTION 33. A person to whom a negotiable document of title has been duly negotiated acquires thereby,

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and,

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Transfer, title acquired by.

SECTION 34. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is non-negotiable such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

SECTION 35. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to

Indorsement, compelled when.

indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

SECTION 36. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

(a) That the document is genuine.

(b) That he has a legal right to negotiate or transfer it.

(c) That he has knowledge of no fact which would impair the validity or worth of the document, and,

(d) That he has the right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SECTION 37. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

SECTION 38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake, or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

Breach of duty.

SECTION 39. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

SECTION 40. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

Negotiable document of title, subject of attachment.

PART III.

PERFORMANCE OF THE CONTRACT.

Performance of the contract.

SECTION 41. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

SECTION 42. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SECTION 43. (1). Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer, is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business, if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

Delivery, within reasonable time.

(2). Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3). Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4). Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5). Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Rejection, permitted when.

SECTION 44. (1). Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the

seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2). Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3). Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4). The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

SECTION 45. (1.) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments. **Installments.**

(2). Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect to one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

SECTION 46. (1.) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, rule 5, unless a contrary intent appears. **Delivery to carrier, effect of.**

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

Examination of goods, time for.

SECTION 47. (1.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2.) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3.) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words collect on delivery, or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

Acceptance, when complete.

SECTION 48. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

SECTION 49. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

SECTION 50. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Failure to take delivery, grounds for damages.

SECTION 51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Unpaid seller, rights of.

SECTION 52. (1.) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(a.) When the whole of the price has not been paid or tendered.

(b.) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2.) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

SECTION 53. (1.) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a.) A lien on the goods or right to retain them for the price while he is in possession of them.

(b.) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them.

(c.) A right of resale as limited by this act.

(d.) A right to rescind the sale as limited by this act.

(2.) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage "in transitu" where the property has passed to the buyer.

UNPAID SELLER'S LIEN.

Lien, of unpaid seller.

SECTION 54. (1.) Subject to the provisions of this act, the upaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a.) Where the goods have been sold without any stipulation as to credit.

(b.) Where the goods have been sold on credit, but the term of credit has expired.

(c.) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Part delivery, effect of.

SECTION 55. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on

the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SECTION 56. (1.) The unpaid seller of goods loses his lien thereon—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof.

(b) When the buyer or his agent lawfully obtains possession of the goods.

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSITU.

Stoppage in transitu.

SECTION 57. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

"In transit," when goods so considered.

SECTION 58. (1) Goods are in transit within the meaning of section 57:

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2.) Goods are no longer in transit within the meaning of section 57:

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent, that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf.

(3). If goods are delivered to a ship chartered by the

buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4). If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods. Remainder, subject to stoppage in transitu.

SECTION 59. (1). The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2). When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such redelivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

SECTION 60. (1). Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale. Resale.

(2). Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3). It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made. Notice, not essential.

(4). It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5). The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER.

Rescission.

SECTION 61. (1.) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

Notice of intention, required.

(2.) . The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

SECTION 62. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.— REMEDIES OF THE SELLER.

Breach of contract.

SECTION 63. (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or

of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they can not readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Seller, bailee, in certain cases.

SECTION 64. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

SECTION 65. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES OF THE BUYER.

SECTION 66. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any

Buyer, remedies of.

action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

SECTION 67. (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

SECTION 68. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and condtions as to damages, payment of the price and otherwise, as to the court may seem just.

Specific performance.

SECTION 69. (1.) Where there is a breach of warranty by the seller, the buyer may, at his election—

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2.) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can therefore be granted.

(3.) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent

the buyer from returning or offering to return the goods to the seller and rescinding the sale. Returning of goods.

(4.) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5.) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6.) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events from the breach of warranty. Damages, measure of, for breach of warranty.

(7.) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

SECTION 70. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

INTERPRETATION.

SECTION 71. Where any right, duty, or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale. Interpretation.

SECTION 72. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

SECTION 73. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Purpose of this act.

SECTION 74. This act shall be so interpreted and construed, if possible, as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 75. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

Definitions of words and phrases.

SECTION 76. (1.) In this act, unless the context or subject matter otherwise requires—

"Action" includes counterclaim, set-off and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant" includes a plaintiff against whom a right or set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale," means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by endorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by indorsement on the document.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counter-claim.

Property.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof, or as security therefor. Value.

(2.) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or can not pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4.) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

SECTION 77. This act shall take effect on the first day of January, one thousand nine hundred and nine.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
197G.

[House Bill No. 724.]

AN ACT

To amend section 1094 of the Revised Statutes of Ohio, so as to authorize county commissioners to extend the time of payment of taxes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1094 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1094. When one-half of the taxes, as aforesaid, charged against any entry, on a tax duplicate in the hands of a county treasurer, is not paid on or before the 20th day of December next after the same has been so charged, or

when the remainder of such taxes is not paid on or before the 20th day of June next thereafter, the county treasurer shall proceed to collect the same by distress or otherwise, together with a penalty of five per centum on the amount of taxes so delinquent, which penalty shall be turned into the treasurer's fee fund, provided, however, that the county commissioners of any county in the state shall have the power, by resolution spread upon their journal, to extend the time of the payment of taxes from June 20th to July 20th of the same year and from December 20 to January 20 of any following year; but in all cases where such half of any taxes, other than on real estate, has not been paid on the 20th day of December or on the 20th day of the following January, providing the time has been so extended, the whole amount of taxes, other than on real estate, for the current year, so charged, shall be due and delinquent, and shall be collected in the manner and with the penalty provided in this section.

Extension of time for payment of taxes, resolution for.

SECTION 2. That said original section 1094 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
198G.

[House Bill No. 726.]

AN ACT

To regulate the employment of labor upon public highways.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 13 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896, as amended April 2, 1906, section 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census of not more than 2,116, nor less than 2,112, to levy a road tax," passed March 8, 1889, as amended April 2, 1906, and sections 1448*a*, 1457, 2830 and 4715*a* of the Revised Statutes, as amended April 2, 1906, be amended so as to read as follows:

Sec. 13. Each street commissioner in any municipality and any road superintendent in any township shall pay into the road fund of the township or village in which such road superintendent or street commissioner is employed,

all money by them collected; and all fines and forfeitures sued for and recovered under the provisions of this chapter, shall be paid by the justice of the peace or constable collecting the same on demand, to the road superintendent of the road district wherein the fine or forfeiture accrued, and all road superintendents or street commissioners shall also render an account to the trustees or to the board of public service of the municipality, as the case may be, at the annual settlement of all moneys received by them and paid into the municipal or township treasury, and all judgments that remain unpaid and the name of the judgment debtor, and the justice before whom such judgments were obtained, and the amount thereof, and the trustees shall make such order as to the prosecution of suits by the road superintendents or street commissioners, as the case may be, of the proper districts, against such delinquents, as in the judgment of the trustees the interest of the township may require. The township trustees of any township or the board of public service of any municipality may, for the benefit of the roads and highways, employ day labor at such reasonable rate per hour for each hour actually employed as the trustees may determine and may employ teams, which shall include a driver for each team, at such reasonable rate per hour for each hour actually employed as the trustees may determine and may hire traction engines at such reasonable rate as the trustees may determine, to be paid out of the road fund of the township or municipality in which said work is performed as other bills are paid.

Road superintendents and street commissioners, annual settlement of.

Day labor, employment of.

Sec. 1. The trustees of any township are hereby authorized and empowered, in addition to the two days' labor, to determine a per centum, to be levied for road purposes, upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: Any rate not exceeding four mills on each dollar, and said trustees shall certify the same to the county auditor in writing on or before the 15th of May of each year; and the county auditor shall assess the same on all the taxable property in said township, exclusive of any incorporated village, and the same shall be collected, one-half in the December installment, and one-half in the June installment, by the county treasurer, and paid over by him to the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township where collected. In addition to any per centum to be levied as hereinbefore provided, the township trustees may, at any time, if they deem the same necessary, levy an amount not exceeding one mill, upon each dollar of valuation of the taxable property of the respective townships, for road purposes, which may be worked out at the same rates as other work is paid for, of a similar nature. Said amounts so levied shall be certified to the township clerks as provided for by section 4738 R. S.

Maximum rate, four mills.

Levy of one mill, working out of.

Sec. 1448*a*. The trustees of each township shall em-

Road superintendent, appointment of.

ploy and hire for each district a suitable person, not one of their own number, who shall be a resident of the district, who shall be known as road superintendent. Each person so appointed shall, before entering upon the duties of his office, take an oath to faithfully discharge the duties thereof and give bond to the state of Ohio in a sum satisfactory to the trustees of the township of not less than five hundred dollars, which bond shall be filed with the township clerk. Each road superintendent's employment shall be subject to the will of the township trustees, and he may be removed or dismissed at the will of the trustees or a majority thereof at any time. When properly qualified, the road superintendent shall have full control, under the orders of the trustees, however, of all such roads within his district as are assigned by the township trustees and shall keep them in good repair and condition for all kinds of public travel, and for this purpose he shall have all the powers and privileges given road superintendents for drainage, and for the removal of timber, logs, or other obstructions found within the limits of the road from time to time. He may, subject to the will of the trustees, contract for all material necessary for repairs and in cases of floods or freshets, giving rise to breaks in the road-bed, or washing of large parts of the road, he may contract for repairs and shall certify the same with itemized account to the trustees who, upon finding the accounts satisfactory, shall pay them out of the township treasury from funds raised for road purposes.

Obstructions, removal of.

Implements and materials.

The trustees shall furnish such superintendent or superintendents with necessary implements and materials for the proper and economical care of the roads. The road superintendent shall, at the meeting of the trustees, on the first Monday in December of each year, make an itemized report of the receipts and expenditures in his district for road purposes the preceding year; the number of persons in his district who are required by law to perform two days' labor on the public highways, and the number who have performed such labor; the number of miles and the condition for public travel of all roads in his district, and the probable cost of such roads for the ensuing year. The township clerk in his annual statement shall specify the amount of money received and expenses for road purposes in each district in the township. The road superintendent shall receive for his services per hour such compensation as the trustees may determine, for the time actually employed in the care of such roads, which shall be paid out of the road funds of such township. No superintendent shall receive any compensation for any team of which he is the owner, on any such roads, nor shall he employ any member of his own family in such work by which he shall himself be financially benefited, except for making temporary repairs to bridges and highways, damages by flood or freshets and except when authorized by a unanimous vote of the trustees. And the trustees shall not certify any account to the township clerk in favor of any superintendent for work on such

Annual statement of township clerk.

roads, other than is herein provided for superintending and care of such roads.

Sec. 1457. The trustees shall meet annually, on the last Monday of December, or any time prior thereto in the year 1906, at the place for holding township meetings, and divide their township into not less than one nor more than eight road districts, when it has not been so divided, and make any alteration they think proper in any district before laid out, and cause a description of the district or districts as so made or altered to be entered in the township record; and at the same meeting they shall also fix and give notice of the number of constables to be elected for the township.

Road districts division of townships into.

Sec. 2830. Any person charged with a road tax shall pay the same in money to the county treasurer in the same manner as other taxes are collected and paid, save and except as provided in section 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census, of not more than 2,116, nor less than 2,112, to levy a road tax," passed March 8, 1898. All road taxes paid to or collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which the same were collected, and shall be expended on the public roads and in building and repairing bridges in the township and municipal corporation from which the taxes were collected under the direction of the trustees of the proper township or council of such municipal corporation; and all funds heretofore levied for road purposes and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected as other taxes collected under the provision of this title.

Road taxes, distribution of.

Sec. 4715*a*. It shall be unlawful for any road superintendent to excavate or make any open ditch on and along a public highway in front of any dwelling house or yard surrounding the same, or entrance thereto, or in front of the entrance or approach to any barn on that side of the road on which the said buildings are situate, unless he forthwith puts in a sufficient underdrain and fills up the excavation to the original level, except when authorized to make such open ditch at said points by the owner of such buildings. Any road superintendent violating this section shall forfeit and pay to the owner of any such buildings twenty-five dollars, to be recovered in a civil action before any justice of the peace.

Excavating, regulated.

SECTION 2. That section 4661, Revised Statutes, be supplemented by the addition of section 4661*a* as follows:

Sec. 4661*a*. All roads of whatsoever width, which have or may be hereafter, dedicated to the public use, or which have been or may hereafter be opened and used for the public use, for more than twenty-one years as public high-ways, and which commence in an established road and pass to and intersect with another established road, shall

County roads, defined.

be considered and held to be county roads, and public highways, and shall be kept in repair by the supervisors the same as other county roads, and may be widened, altered, or vacated in whole or in part, in like manner and by the same proceedings as provided in the case of other county roads established by law.

SECTION 3. That said original section 13 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896, as amended April 2, 1906, sectiton 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census of not more than 2,116, nor less than 2,112, to levy a road tax," passed March 8, 1889, as amended April 2, 1906, and sections 1448*a*, 1457, 2830 and 4715*a* of the Revised Statutes as amended April 2, 1906, also

That, "An act to provide for the care and control of the Dayton, Taylorsburg and Salem Turnpike," passed April 16, 1892, also,

"An act to provide for the care and control of the Dayton Watervliet Pike," passed May 4, 1894; also,

"An act to provide for the care and control of the South Arlington Road," passed April 21, 1896; also,

"An act to provide for the care and control of the Bellefontaine Road," passed April 21, 1896; also,

"An act to provide for the care and control of the Salem and Philipsburg Turnpike," passed March 22, 1893; also,

"An act to provide for the care and control of the Mad River Valley and, New Carlisle Turnpike," passed Feb. 10, 1888, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
199G.

[House Bill No. 750.]

AN ACT

Providing means whereby a board of park commissioners may be established in each city of the state of Ohio, and defining the powers and duties of such boards, if established.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever five per centum (5%) of the qualified electors of any city shall petition the board of dep-

uty state supervisors of elections or the board of deputy state supervisors and inspectors of elections, having supervision of elections within such city, for the privilege of determining by ballot whether there shall be a board of park commissioners with the powers hereinafter provided for, said board shall submit at the next general election held within such city, or at a special election, provided said petition requests such special election, the questions presented in the petition to the electors of the municipality. Said special election shall be held at the usual place or places for holding municipal elections and shall be governed by the same rules, regulations and laws as now or shall hereafter govern the holding of municipal elections.

Board of park commissioners, election for.

SECTION 2. If a majority of the electors voting at such election on such questions shall vote in favor of the appointment of such board of park commissioners, the mayor shall immediately appoint three (3) electors of such city as members of such board, to be known as the "board of park commissioners," which said members shall be appointed for terms of one (1), two (2) and three (3) years respectively, and their successors shall be appointed for terms of three (3) years. In the case of the death or resignation of any of the members of such board, the mayor shall immediately thereafter appoint a successor to fill such vacancy for the unexpired term. The members of such board shall serve without compensation. The mayor shall have power to remove by and with the consent of the city council, a majority of the members elected thereto concurring, any member of such board for incompetency or official misconduct.

Appointment of commissioners, by mayor.

SECTION 3. The board of park commissioners, after appointment and qualification, shall elect one of its members as president, and another as vice president, who shall in the absence or disability of the president, perform his duties and exercise his powers. The board of park commissioners shall make its own rules, but its meetings shall be open to the public and all questions acted upon shall be decided by yea and nay vote with the name of each member voting recorded on the journal; and no question shall be decided unless approved by a majority of the board. All disbursements of money shall be made by the treasurer of the city upon warrants drawn by the auditor and no warrant shall be drawn by the city auditor or paid by the treasurer unless approved and attested by the signatures, in their own handwriting, of the president and secretary of the board of park commissioners.

Oganization of board.

Disbursements, how made.

SECTION 4. The board of park commissioners shall have the following powers:

Powers of commissioners.

(a) The control and management of parks, park entrances, parkways, boulevards and connecting viaducts and subways, children's playgrounds, public baths and stations of public comfort located in such parks, of all improvements thereon and the acquisition, construction, repair and

maintenance thereof. The board shall exercise exclusively all the powers and perform all the duties, in regard to such property, vested in and imposed upon the board or director of public service.

(b) The expenditures of all moneys appropriated by the city council or received from any other source whatever, for the purchase, acquisition, improvement, maintenance, equipment or enjoyment of all such property, but no liability be incurred and no expenditure made unless the money required therefor is in the treasury to the credit of the park fund and not appropriated for any other purpose.

(c) Power to adopt and enforce regulations as to the proper use and protection of all such property and the improvements thereon and to impose penalties for the violation of such regulations.

Establishment and extension.

(d) Power to establish or extend parks, parkways, boulevards and connecting viaducts and subways, public comfort stations and children's playgrounds and public baths located in such parks, within such city or the territory contiguous to such city, and to acquire or appropriate, in the manner provided by law, the necessary real estate for such purposes, and in the same manner, to appropriate, for parkway or boulevard purposes, any street, avenue or public way of such city.

(e) Power to employ a secretary, general superintendent, engineer, clerks and such other employes as may be necessary for carrying into effect the purposes of this act. The board shall fix the rate of compensation and term of service of all of its employes.

SECTION 5. All moneys received by the city from taxation or otherwise for the purpose of acquisition, constructing, equipping and maintaining parks, park entrances, parkways, boulevards and connecting viaducts and subways, children's playgrounds, public baths and stations of public comfort located in such parks, shall be deposited in the city treasury and transferred by warrants on the city auditor to the credit of the board of park commissioners in a fund designated as "the park fund." All expenditures incurred by said commission shall be paid by a warrant of the city auditor drawn in pursuance of the regularly authorized attested voucher of such park commission.

"The park fund."

In letting of contracts said board of park commissioners shall be governed by the same laws as govern the letting of contracts by the board or director of public service.

SECTION 6. Whenever the board of park commissioners deem it necessary to issue bonds or to levy a tax for the purpose of carrying into effect the powers herein conferred, the said board shall by written resolution so declare its judgment and state therein the amount of bonds to be issued or the tax to be levied for such purposes and transmit such resolution to the city council. If said council fail to enact legislation for the issuance of said bonds or the levying of said tax, within ninety days after the time such resolution was received by the council, then such question

Bond issue, vote for.

of the issuance of the bonds or the levy of the tax shall be submitted to a vote of the qualified electors of such city, and the board of park commissioners shall file such resolution and request with the board of deputy state supervisors of elections or the board of deputy state supervisors and inspectors of elections, having supervision of election within such city. It shall then become the duty of said election officials to submit the question of the issuance of such bonds or the levying of such tax, or both, to the qualified voters of such city, at either a special or general election as such resolution and request may specify, to be held in the manner provided by section 2837 of the Revised Statutes, except as otherwise provided herein.

If a majority of the electors voting on said question shall vote in favor of such question, it shall become the duty of the council of such city to enact, within ninety (90) days thereafter, all legislation necessary to carry into effect the will of the majority of the voters at such election.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
200G.

[House Bill No. 758.]

AN ACT

Providing for a soldiers' plot in incorporated cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The soldiers' relief commission of any county in the state of Ohio, shall, upon application in writing being made by a veteran soldiers' association in any city, township, or town, or upon a petition in writing of five or more veteran soldiers in any city, township or town where no veteran soldiers' organization exists, purchase or provide a soldiers' plot in any incorporated cemetery where no burial plot is now provided in said county, for the removal and re-interment of the bodies of neglected and indigent soldiers.

Soldiers' plot, how provided.

SECTION 2. The expense of such purchase shall be filed with the auditor of said county, and shall be audited by the auditor thereof, who shall issue a warrant therefor upon the county treasurer, who shall pay the same out of the general fund of said county.

SECTION 3. On and after the interment of the re-

mains of the deceased soldier or soldiers in the said soldiers' plot, herein provided for, the expenses of the annual care of the grave or graves in the said soldiers' plot, to which the removal is made, shall be annually provided for by the town, city, or township, in which the remains are buried, at the rate of not to exceed 50 cents per grave per year, and shall be paid annually to the incorporated cemetery association in which the remains may be interred, removed or re-interred.

Graves, care of.

Petition for removal, what to specify.

SECTION 4. Upon the presentation to the county soldiers' relief association of any county of a petition signed by the officers of a veteran soldiers' organization, or a majority of a memorial committee of any incorporated village, town, or city, wherein one or more veteran soldier organization exists, or that the petitioners are honorably discharged veteran soldiers in townships, towns, or villages, where no veteran soldier organization exists, containing: First—The name of the deceased soldier, or soldiers, whose remains are sought to be removed, and, if known, the company and regiment in which he or they served. Second—The name and location of the cemetery in which he, or they are interred, and from which removal is asked to be made. Third—The name and location of the incorporated cemetery to which the remains are desired to be removed and re-interred. Fourth—The facts showing the reason for such removal.

The soldiers' relief commission shall, within thirty days after the next succeeding, regular meeting, act upon said petition, and, if true, issue an order directing the removal of the remains of said deceased soldier, or soldiers, to the cemetery designated in the petition, within the town, city, or township, in which the remains are then to be buried, and shall specify in the order the maximum expense of the proposed removal and re-interment, including the expense incurred by the commission. The said order shall designate the person or persons who shall have charge of the removal and re-interment.

Upon the completion of the removal and re-interment, the person or persons having charge of the same shall make an itemized statement, verify the same, and file it with the soldiers' relief commission, which shall, at their next regular meeting, act upon said expense account, and file the same with the auditor of the county forthwith, when it shall become a charge upon the county in which said re-interment is made. Such expense shall be audited and the auditor shall issue a warrant therefor on the county treasurer, who shall pay the same out of the general fund of said county.

Expense, how paid.

The word "soldiers" shall be construed to mean: An honorably discharged soldier, sailor, or marine, who served in the army or navy of the United States of America. The words, "soldiers' plot," shall be construed to mean: A plot of land in any incorporated cemetery, set apart to

be exclusively used for interring the remains of deceased veteran soldiers of the United States of America.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
201G.

[House Bill No. 753.]

AN ACT

To supplement section 3559 of the Revised Statutes so as to regulate cash deposits required by public service corporations, firms and individuals to secure payment of bills.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3559 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 3559*a*. No person, firm or corporation engaged in the business of furnishing gas, water or electricity to consumers of such products, shall have the right to demand or to require any such consumer to deposit cash in any sum whatever as security for the payment of any bills for any such commodity to be so furnished; provided such proposed consumer be a freeholder who is financially responsible or a person who is able to give a reasonably safe guaranty in an amount sufficient to secure the payment of bills for fifty days' supply. In case no such security can be furnished, a deposit not exceeding the amount of the monthly average of the annual consumption by such consumer, plus 30%, may be required, upon which deposit there shall be allowed and paid to the consumer, interest at the rate of six per cent, per annum, provided the same remain on deposit six consecutive months. The making of any rule, regulation or requirement in conflict with any of the provisions of this act, is hereby strictly forbidden and prohibited, and hereby declared to be unlawful, and any such person, firm or corporation now having such a rule, regulation and requirement shall, within thirty days from date of the passage of this act, upon demand, refund any such sum so now held.

Cash deposit, requirement of unlawful.

Six per cent. interest upon deposits.

Sec. 3559*b*. Any person, firm or corporation violating any of the provisions of this act, shall, upon conviction

thereof, forfeit all right to collect or receive any sum whatever from any such consumer for gas, water or electricity so furnished.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
202G.

[House Bill No. 769.]

AN ACT

To provide for the payment of bonds and interest on bonds issued by the Ohio State Board of Agriculture.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations.

SECTION 1. That there be and is hereby appropriated out of any money in the treasury, to the credit of the general revenue fund not otherwise appropriated, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem bonds of said board authorized by act of the general assembly passed April 12, 1898, payable September 1, 1908, eight thousand dollars; to pay one year's interest on thirty-two thousand (32,000) dollars authorized by said act, due March 1 and September 1, 1908, sixteen hundred (1,600) dollars; to redeem bonds of said board authorized by act of the general assembly, passed March 29, 1900, payable September 1, 1908, twelve thousand (12,000) dollars; to pay one year's interest on forty-eight thousand (48,000) dollars remaining unpaid of the total issue of bonds of one hundred and twenty thousand (120,000) dollars authorized by said act, due March 1 and September 1, 1908, twenty-four hundred (2,400) dollars.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
203G.

[House Bill No. 829.]

AN ACT

To amend section 23 of an act entitled, "An act creating a fish and game commission, prescribing its duties and powers, to provide for the protection, preservation and propagation of fish and game in the state of Ohio and in and on the waters thereof and for the enforcement of the provisions of this act and to prescribe penalties for violations thereof," passed April 25, 1904, to permit fishing through the ice with hook and line.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 23 of an act entitled, "An act creating a fish and game commission, prescribing its duties and powers; to provide for the protection, preservation and propagation of fish and game in the state of Ohio and in and on the waters thereof and for the enforcement of the provisions of this act and to prescribe penalties for violations thereof," passed April 25, 1904, be amended to read as follows:

Sec. 23. No person shall draw, set, place, locate or maintain, any pound net, trammel net, fyke net, set net, seine, fish trap, or any other net or device for catching fish in any of the waters, either natural or artificial, within this state, nor catch, or kill fish with any device whatever, in any such waters, except with hook and line, with bait or lure. **Nets, etc.**

But nothing herein shall prevent any person or persons from transporting from the state small quantities of live bait or minnows to be used for fishing with hook and line in the waters of Lake Erie outside of the state. **Live bait.**

No person shall take or catch in any of the rivers, lakes, or ponds, or in any of the reservoirs of the state, any fish with what are known as trot lines, bob lines, set lines or float lines, or by spearing, except in that part of streams bordering on or running through his own lands, and except persons having the consent of such land owner. **Trot lines, etc.**

No person shall in any of the waters of the state, natural or artificial (including Buckeye lake, Indian lake, Grand or Loramie reservoirs), take or catch in any manner any black bass between May first, and June first; provided, however, that in the bays connected with the waters of Lake Erie the closed season for fishing with hook and line, bait or lure for black bass, shall be between May 25th and July 15th. No person shall in any of the waters of the state (including Buckeye lake and Indian lake, Grand or Loramie reservoirs) while such waters are frozen over, covered with or partly covered with ice, catch any fish, in any manner through any hole cut in the ice or through any fissure, crack, or break therein, when said hole, fissure or crack shall be more than two and one-half feet in diameter, provided that no person shall cut or use more than two such holes for the purpose of fishing therein, nor use more than two hooks on any one line; and provided further **Black bass.** **Fishing through ice, regulated.**

that no fishing done through any hole, fissure or crack as aforesaid shall be for the purpose of catching fish to sell.

Sale of black bass, etc., prohibited.

No person shall buy, sell, offer or expose for sale, barter or give away, or have in his possession for the purpose of sale, any black bass that has been caught in any of the rivers, creeks, or reservoirs, of the state, or in Buckeye lake or Indian lake, or in the waters of any other state or country, nor buy, sell, offer for sale, or have in his possession, any fish, caught in any such waters out of season or in a manner prohibited (nor catch, take, or have in possession, any bass less than ten inches in length (measurements to be made from end of nose to end of tail). Each bass so bought, sold, offered, or exposed for sale, bartered or given away, shall constitute a separate offense. No person shall catch, kill, offer for sale, sell, buy, or have in his

Brook trout.

possession, any brook trout, speckled trout, Von Behr or brown trout, landlocked salmon, or California salmon, except from the fifteenth day of April to the fifteenth day of September. No person shall catch, or pursue, any turtle by the aid or use of any seine, or net, except a single seine or net, the meshes of which are not less than four inches by four inches in dimensions. Provided, that nothing in this section shall prevent the taking of minnows for bait with a minnow seine not exceeding four feet in depth and ten feet in length; nor prevent the commissioners of fish and game, or their authorized officers or agents, from taking fish at any time or place, or in any manner, for the purpose of stocking ponds, lakes, or rivers, or for the maintenance or propagation of fish in hatcheries, or for the extermination of carp in any waters; nor shall anything herein prevent the taking of fish in any manner in the ponds or lagoons formed by the receding waters of running streams when such ponds or lagoons no longer have any connection with the channels of such streams. And

Exceptions.

nothing in this section shall apply to the waters of Lake Erie, or shall apply to private artificial fish ponds or privately owned lakes. Whoever violates any provisions of this section, or any provisions of sections 12, 13, 15, 16, 17, 18, 19, 21 and 22 of this act shall be fined not less than twenty-five dollars nor more than two hundred dollars, and costs of prosecution, and in default of payment of fine and costs, shall be imprisoned as provided in section 10 of this act.

SECTION 2. That original section 23 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

204G.

[House Bill No. 866.]

AN ACT

To amend section 2732 of the Revised Statutes, exempting certain property from taxation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2732 of the Revised Statutes, be amended so as to read as follows:

Property exempt from taxation specified.

Sec. 2732. The following property shall be exempt from taxation: First, All public school houses, and houses used exclusively for public worship, the books and furniture therein, and the ground attached to such buildings necessary for the proper occupancy, use and enjoyment of the same and not leased or otherwise used with a view to profit; all public colleges, public academies, all buildings connected with the same, and all lands connected with public institutions of learning, not used with a view to profit. This provision shall not extend to leasehold estates of real property held under the authority of any college or university of learning in this state. Provided, nevertheless, that all leaseholds, or other estates or property whatsoever, real or personal, the rents, issues, profits and income of which have been, or hereafter shall be given to any city, town, village, school district or subdistrict in this state, exclusively for the use, endowment or support of schools for the free education of youth without charge, are and shall be exempt from taxation so long as such property, or the rents, issues, profits and income thereof shall be used and applied exclusively for the support of free education by such city, town, village, district or subdistrict.

Graveyards.

Second. All lands used exclusively as graveyards, or grounds for burying the dead, except such as are held by any person, persons, company or corporation, with a view to profit, or for the purpose of speculating in the sale thereof.

Third. All property, whether real or personal, belonging exclusively to the state or United States.

Fourth. All buildings belonging to counties, used for holding courts, for jails, or for county offices, with the ground, not exceeding, in any county, ten acres, on which such buildings are erected.

Fifth. All lands, houses and other buildings belonging to the county, township, or town, used exclusively for the accommodation or support of the poor.

Armories.

Sixth. All property belonging to institutions of purely public charity, and all buildings belonging to and used exclusively for armory purposes by lawfully organized military organizations which are and shall continue to be fully armed and equipped at their own expense and by law made subject to all calls of the governor for troops in case of war, riot, insurrection or invasion together with the land actually occupied by such institutions and that owned and

used as sites for such armory buildings of said military organizations not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustain and belonging exclusively to said institutions and military organizations.

Fire apparatus.

Seventh. All fire engines, property and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any town or to any fire company organized therein.

Eighth. All market houses, public squares or other public grounds, town, or township houses or halls, used exclusively for public purposes or erected by taxation for public purposes, notwithstanding that some parts thereof may be leased under and by virtue of section 2566 of the Revised Statutes of Ohio, and all stocks, certificates of stocks in any corporation or railroad company owned by any county, township, city, town or village, the money to acquire which was originally raised by taxation upon such county, township, town or village; and all works, machinery, pipe lines and fixtures belonging to any town and used exclusively for conveying water to such town, or for heating or lighting the same, and any unpaid taxes assessed against any property comprised in this subdivision, with any penalty thereon, is hereby remitted.

Heating and lighting apparatus.

Ninth. Each individual residing in this state may deduct a sum not exceeding one hundred dollars as exempt from taxation, from the aggregate listed value of his taxable personal property of any kind of which such individual is the actual owner, except dogs.

Tenth. All funds raised and set apart for the purpose of building monuments to the fallen soldiers of this state, and all monuments and monumental buildings, when erected shall be forever exempt from taxation for any purpose whatever.

SECTION 2. That said original section 2732 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

205G.

[House Bill No. 892.]

AN ACT

To amend section 4091 of the Revised Statutes of Ohio, relating to the compensation of teachers while attending county institutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4091 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 4091. All teachers and superintendents of the public schools within any county in which a county institute is held while the schools are in session may dismiss their schools for one week for the purpose of attending such institute and the boards of education of all school districts are required to pay the teachers and superintendents of their respective districts their regular salary for the week they attend the institute upon the teachers or superintendents presenting certificates of full regular daily attendance at said institute signed by the president and secretary thereof; and when said institute is held when the public schools are not in session, said teachers or superintendents shall be paid two dollars a day for actual daily attendance, as certified by the president and secretary of said institute, for not less than four nor more than six days of actual attendance, the same to be paid as an addition to the first month's salary after said institute by the board of education by which said teacher or superintendent is then employed, or in case he or she is unemployed at the time of the institute, then by the board next employing said teacher or superintendent, provided the term of said employment begins within three months after said institute closes.

Teachers, pay of for attending institue.

SECTION 2. That said original section 4091 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

206G.

[House Bill No. 899.]

AN ACT

To supplement section 3283 of the Revised Statutes, relating to the powers of public officers to grant to railroad companies the right to occupy public roads, streets, alleys or public grounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3283 of the Revised Statutes be supplemented as follows:

Sec. 3283*b*. Any city owning or having charge of any public road, street, alley, way, or ground of any kind, or any part thereof, may grant to any railroad company the right to construct, maintain and operate by electricity, any elevated railroad along and over said public road, street, alley, way or ground, except a public landing, or across the same subject to existing laws concerning crossings, as far as the same may be applicable, and to erect and maintain therein the necessary tracks, piers, stays, supports and stations, and the approaches for the same, which stations must be on a level with the tracks, and to construct when necessary, tunnels for said railroad under said roads, streets, alleys, ways or grounds, and also to construct suitable terminals and way stations; the said elevated structures and crossings to be of such height and construction as not to prevent substantially the ordinary use of and traffic upon said roads, streets, alleys, ways or grounds, whether by pedestrians, vehicles, street-cars, or otherwise, except temporarily when necessary in the construction of such elevated structures and crossings; and said tunnels to be so constructed as not to impair the stability of said roads, streets, alleys, or public grounds, or prevent the use of any sewers, water pipes, gas pipes and conduits used for such purposes or for telephone purposes in said streets, alleys, ways or grounds, except temporarily when necessary in the construction of said tunnels.

Elevated railroads, etc.

Tunnels, construction of.

Said grant can only be made upon such terms and conditions as are agreed upon by the council of the city, and the company; and every such grant shall provide that the rate of fare within the limits of such municipality shall not be in excess of five cents.

Appropriation of property.

After such grant has been made said company may appropriate private property as may be necessary for the use and enjoyment of said grant, including terminals and way stations, for the purpose of constructing and operating its road in the manner and upon the terms provided for the appropriation of property in Part III, Title II, Chapter 8, section 6414 to 6453 of the Revised Statutes of Ohio, and every company which constructs an elevated track upon or a tunnel under said roads, streets, alleys, ways or grounds, shall be responsible for injuries done thereby to

private or public property, lying upon or near to such streets, alleys, ways or grounds, which may be recovered by civil action brought by the owner before the proper court at any time within two years from the completion of the road.

Sec. 3283*c*. Every city making a grant as provided in section 3283*b*, shall have the power to provide in said grant, upon such terms and conditions as may be agreed upon by the council of the city, and the company, for the ultimate purchase and ownership by said city of said road or any part thereof.

Sec. 3283*d*. Every railroad to whom a grant has been made as herein provided shall notify in writing the authorities making the grant of its rejection or acceptance of the grant at a time fixed by such authorities at the time of making the grant. And if after a grant has been made as provided herein, and accepted by any railroad, there shall, within sixty (60) days after such acceptance, be filed with the mayor of the city making such grant a petition protesting against such grant and signed by such a number of the electors of such city qualified to vote at the last preceding general election, as equals ten (10) per cent. of the number of votes cast for mayor at the last preceding election for mayor he shall certify such fact to the proper election officials. The officials in charge of such general election shall, in accordance with the statutes relating to elections, arrange and provide for and conduct the submission of such question to the said electors. The question whether such grant shall be made shall be submitted to the electors of such city at the next succeeding general election occurring more than thirty (30) days after the expiration of said sixty (60) days. The ballots at such election shall read "Elevated Railroad Grant.—Yes". "Elevated Railroad Grant.—No". and if at such election a majority of the votes cast on such question shall be against said grant, the same shall be ineffective and void.

Petition of protest.

Ballot, form of.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

207G.

[House Bill No. 901.]

AN ACT

To regulate the filling and refilling of milk bottles and glass jars.

Be it enacted by the General Assembly of the State of Ohio:

Refilling bottles.

SECTION 1. It shall be unlawful to fill or refill, with milk, cream or other milk product, any glass jar or bottle having the name of any person, firm or corporation blown therein, with intent to sell or vend such milk, cream or other milk product, provided, that the provisions of this section shall not extend to the person, firm or corporation whose name is blown in such glass jar or bottle, or a duly authorized agent or employe thereof.

SECTION 2. It shall be unlawful to fill or refill, with milk, cream or other milk product, any glass jar or bottle, with intent to sell or vend such milk, cream or other milk product, unless such glass jar or bottle be first thoroughly cleansed and sterilized.

Penalty.

SECTION 3. Any person or persons guilty of violating the provisions of the preceding section of this act shall be fined not more than one hundred dollars.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
208G.

[House Bill No. 916.]

AN ACT

To amend section 5306 of the Revised Statutes, in relation to granting of judgment of reversals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5306 of the Revised Statutes be amended so as to read as follows:

Judgment of reversal.

Sec. 5306. The same court shall not grant more than one new trial on the weight of the evidence against the same party in the same case, nor shall the same court grant more than one judgment of reversal on the weight of the evidence against the same party in the same case.

SECTION 2. That said original section 5306 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
209G.

[House Bill No. 953.]

AN ACT

To amend section 670 of the Revised Statutes, providing for compensation for the officers and employes of the Ohio State School for the Blind.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 670 of the Revised Statutes be amended so as to read as follows:

Ohio State School for the Blind, salaries of officers, specified.

Sec. 670. The compensation of the officers and employes of the Ohio state school for the blind may be paid as follows, and not exceeding the sums herein stated: To the matron five hundred dollars per annum; to the assistant matrons four hundred dollars each per annum; the housekeeper four hundred and fifty dollars per annum; the first teacher in the high school department one thousand dollars per annum; the second teacher in the high school department eight hundred dollars per annum; two female teachers high school department six hundred dollars each per annum; the teachers of the grammar and primary departments five hundred and fifty dollars each per annum; the librarian six hundred dollars per annum; the professor of music one thousand dollars per annum; four male music teachers six hundred dollars each per annum; three female music teachers five hundred dollars each per annum; all other music teachers three hundred dollars each per annum; the teacher of tuning seven hundred dollars per annum; the foreman of the broom shop six hundred and fifty dollars per annum; the teacher of cane-seating two hundred dollars per annum; the teacher of domestic art five hundred and fifty dollars per annum; the teacher of sewing five hundred and fifty dollars per annum; the engineer one thousand dollars per annum; but the teachers residing and boarding outside said school may be paid in addition to the foregoing two hundred dollars each per annum as the board of trustees may deem best.

SECTION 2. That said original section 670 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
210G.

[House Bill No. 1005.]

AN ACT

To amend section 2825 of the Revised Statutes as amended April 25th, 1904, relating to the construction of public buildings and bridges.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2825 of the Revised Statutes be amended so as to read as follows:

Sec. 2825. The county commissioners shall not levy any tax, or appropriate any money for the purpose of building public county buildings, purchasing sites therefor, or for land for infirmary purposes, except in case of casualty, and except as hereinafter provided, the expense of which will exceed fifteen thousand dollars ($15,000.00) or for building any county bridge, the expense of which will exceed eighteen thousand dollars ($18,000.00), except in case of casualty and except as hereinafter provided, without first submitting to the voters of the county, the question as to the policy of building any public county building or buildings, or for the purchasing sites therefor, or for the purchase of lands for infirmary purposes, or for the building of a county bridge, by general tax.

Vote, for public buildings or bridges.

Which said submission shall be made at the annual election, next after the proposition for such levy is adopted by the commissioners and placed on their record, or at a special election at a time fixed thereafter by resolution of the county commissioners for that purpose, upon the petition for such special election filed with said board of commissioners of not less than five hundred of the electors of any such county.

Each proposition shall be separately submitted, and printed tickets shall be provided by the commissioners on which shall be printed, "For ..... tax, yes," and "For ..... tax, no," which blanks shall be filled with a proper designation of the proposed improvement, as the

Ballots.

motive may require; and said commissioners shall cause the same notice for such vote to be given as is required for the election for state and county officers.

It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted, as aforesaid, on the day of said election, to open a poll for tallying said vote, and to receive and count the ballots cast on each of such propositions, and within three days thereafter to return to the auditor of said county, a full and correct abstract of said votes; and the said judges of election shall, in all respects be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury on the order of the auditor.

Poll books, opening of.

And the poll-books so returned shall, within five days from the time of holding such election, be opened, and the votes counted by the commissioners and the auditor of the county, a correct statement of the result of which votes shall be kept by said auditor and filed (on file) in his office for public inspection.

If a majority of the vote so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred taxpayers of said county again submit the same question at any regular annual spring or fall election, or at a special election, under the same rules and regulations as before provided.

If at any such election a majority shall be found in favor of the improvement as aforesaid, then the commissioners shall be authorized to proceed to levy the tax.

Provided, that this section shall not apply to the construction of any public buildings or bridges commenced or contracted for prior to the passage of this title, or for which the commissioners have in good faith purchased the grounds or acquired the material for the same, and are not proceeding to construct.

Condemned bridges, tax levy for repair of.

And provided further, that in case an important bridge belonging to or maintained by any county, has become or may hereafter become dangerous to public travel by decay or otherwise and shall have been condemned for public travel by the commissioners of such county and the repairs thereof, or the building of a new bridge in place thereof, is deemed by them to be necessary for the public accommodation, the commissioners of such county are hereby authorized, without first submitting the question to the voters of the county, to levy a tax for either of said purposes in an amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property upon the tax duplicate of said county, and if the said commissioners deem it necessary or advisable, in any case they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied at any

rate of interest not exceeding six per cent. per annum, payable semi-annually and may issue notes or bonds therefor, payable when said tax shall be collected; or said commissioners, without such submission of the question, may proceed under the authority conferred by section 871 of the Revised Statutes to borrow such sums of money as may be necessary for either of the purposes before mentioned, and to issue bonds therefor and for the payment of the principal and interest on such bonds, said commissioners shall annually levy a tax as provided in section 873 of the Revised Statutes.

Bond issue.

SECTION 2. That said original section 2825 of the Revised Statutes as amended April 25th, 1904, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
211G.

[House Bill No. 1011.]

AN ACT

To amend section 137 of the Municipal Code of 1902, relative to duties of city solicitors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 137 of the Municipal Code of 1902 be amended to read as follows:

Sec. 137. The solicitor shall be elected for a term of two years, and shall serve until his successor is elected and qualified. The solicitor shall be an elector of the city, and admitted to practice law in the courts of Ohio.

City solicitor, duties of.

The powers and duties of the solicitor shall be such as are provided in sections 1776, 1777, 1778, 1779 and 1780, of the Revised Statutes of Ohio; such as are provided in this act, and all other acts or parts of acts having uniform operation throughout the state and not inconsistent with this act, and he shall prepare all contracts, bonds and other instruments in writing in which the city is concerned, and shall serve the several directors and officers mentioned in this act as legal counsel and attorney; provided that no action, as provided in sections 1777 and 1778, to enjoin the performance of a contract or the payment of any bonds heretofore or hereafter entered into or issued by a municipal corporation, shall be brought or maintained unless such

action is commenced within one year from date of such contract or bonds, and this provision shall apply to pending cases.

Solicitor, prosecutor of police and mayor's court.

The solicitor shall also be prosecuting attorney of the police court or mayor's court, and shall receive for this service such compensation as council may prescribe, and such additional compensation as the county commissioners shall allow; provided, that where council allows an assistant or assistants to the solicitor, said solicitor may designate an assistant or assistants to act as prosecuting attorney or attorneys of the police court or mayor's court. The duties of the solicitor as prosecuting attorney of the police court or mayor's court shall be such as are provided in section 1813 of the Revised Statutes; such as are provided in this act, and in all other acts or parts of acts applying to all cities of the state and not inconsistent herewith. In case of the inability or absence of the solicitor or any of his assistants to act as prosecuting attorney of the police court or mayor's court, the provisions of section 1815 of the Revised Statutes shall apply.

SECTION 2. That said section 137 of the Municipal Code of 1902 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
212G.

[House Bill No. 1017.]

AN ACT

To amend section 95*a* of the Municipal Code of 1902, in relation to the issuing of five-year notes in anticipation of the collection of special assessments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 95*a* of the Municipal Code of 1902 be amended so as to read as follows:

Notes, issue of in anticipation of collection of special assessments.

Sec. 95*a*. Municipal corporations shall have power to borrow money and issue notes in anticipation of the collection of special assessments. Said notes shall be signed and sealed as municipal bonds are signed and sealed. They shall bear interest at a rate not exceeding six per cent. per annum and be due and payable not later than five years from the date of issue. Said notes shall not exceed in amount the estimated cost of the im-

provement, and shall recite upon their face the purpose for which they were issued. All assessments collected for the improvement, and all unexpended balances remaining in the fund after the cost and expenses of said improvement have been paid, shall be applied to the payment of the notes and the interest thereon until both are fully provided for. Council ordinances and proceedings relating to the issue of said notes shall not require publication.

SECTION 2. That said original section 95a of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
213G.

[House Bill No. 1052.]

AN ACT

To amend section 5 of an act entitled, "An act to provide for supplying the schools of Ohio with good and sufficient school books at the lowest possible prices," passed April 22, 1896, relative to adoption of text books.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5 of an act entitled, "An act to provide for supplying the schools of Ohio with good and sufficient school books at the lowest possible prices," passed April 22, 1896, be amended so as to read as follows:

Sec. 5. Each board of education shall, at any regular meeting, held between the first Monday in February and the first Monday in August, determine by a majority vote of all members elected the studies to be pursued and which of said text-books so filed shall be used in the schools under its control, but no text-books now in use or hereafter adopted shall be changed, nor any part thereof altered or revised, nor shall any other text-book be substituted therefor for five years after the date of the selection and adoption thereof, as shown by the official records of said boards, except by the consent, at any regular meeting, of five-sixths of all members elected to the board. Books so substituted shall be adopted for the full term of five years. Each board of education shall cause it to be ascertained, and at any regular meeting shall determine which, and the number of each of said books the schools under its charge shall require, and shall cause an order to be drawn for the amount in favor of the clerk of the board of education,

Text books, how determined.

Five year term.

payable out of the contingent fund; and said clerk shall at once order said books so agreed upon by the board, of the publisher and the publisher, on the receipt of such order shall ship such books to said clerk without delay, and the clerk shall forthwith examine such books, and, if found right and in accordance with said order, remit the amount to said publisher, and the board of education shall pay all charges for the transportation of such books, out of the school contingent fund; but if said boards of education can, at any time, secure of the publishers books at a price less than said maximum price, it shall be its duty so to do, and may, without unnecessary delay, make effort to secure such lower price before adopting any particular text-book.

Text books, of whom ordered.

Each board of education shall have power to, and shall make all necessary provisions and arrangements to place the books so purchased within easy reach of and accessible to all the pupils in their district, and for that purpose may make such contracts, and take such security as they may deem necessary, for the custody, care and sale of such books and accounting for the proceeds; but not to exceed ten per cent. of the cost price shall be paid therefor, and said books shall be sold to the pupils of school age in the district, at the price paid the publisher, and not to exceed ten per cent. therefor added, and the proceeds of such sale shall be paid into the contingent fund of such district, and whoever receives said books from the board of education for sale as aforesaid to the pupils, and fails to account honestly and fully for the same, or for the proceeds to the board of education when required, shall be guilty of embezzlement and punished accordingly. Provided, however, boards of education may contract with local retail dealers to furnish said books at prices above specified, the said board being still responsible to the publishers for all books purchased by the said board of education. And when pupils remove from any district, and have text-books of the kind adopted in such district and not being of the kind adopted in the district to which they remove, and wish to dispose of the same, the board of the district from which they remove, when requested, shall purchase the same at the fair value thereof, and resell the same as other books; and nothing in this act shall prevent the board of education from furnishing free books to pupils as provided by law. That for the purpose of carrying into effect the foregoing provisions of this act, and paying the expenses incident thereto, there be and is hereby appropriated out of any money in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, the sum of five hundred dollars, to be disbursed and paid on the allowance and order of said commissioner. Provided, however, that it shall be unlawful for any superintendent, supervisor or principal, employed by any board of education in the state, to act as a sales agent, either directly or indirectly, for any person, firm or corporation whose school text books are filed with the state commissioner of common schools, for use in the

Board of education, power and duties of.

Embezzlement, what considered.

Old books, purchase of.

Appropriation.

Sales agents, who may not be.

public schools of the state, as provided by law; any violation of this provision shall work a forfeiture of their certificate to teach in the public schools of the state of Ohio.

SECTION 2. That said original section 5 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
214G.

[House Bill No. 1023.]

AN ACT

To amend section 1 of an act entitled, "An act to empower township boards of education to establish township or joint township high schools, and to discontinue subdistrict schools when too small to justify their continuance," passed April 25, 1898, as amended April 25, 1904, to provide for joint high school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to empower township boards of education to establish township or joint township high schools, and to discontinue subdistrict schools when too small to justify their continuance," passed April 25, 1904, be amended so as to read as follows:

Sec. 1. The boards of education of two or more adjoining township school districts, or of a township district and of a village or special school district situated partially or wholly within the township, or of any two or more of said school districts may, by a majority vote of the full membership of each of said boards, unite said districts for high school purposes and each board may submit the question of levying a tax on the property in their respective districts, for the purpose of purchasing a site and erecting a building, and may issue bonds, as is provided for in section thirty-nine hundred and ninety-one, thirty-nine hundred and ninety-two and thirty-nine hundred and ninety-three, of the Revised Statutes of Ohio, but said question of tax levy must carry in each district before it shall become operative in either. If said boards of education have sufficient money in the treasury to purchase said site and erect said building, or if there is a suitable building in either district owned by the board of education that can be used for a high school building it shall not be necessary to submit the proposition to a vote, and the boards are authorized to appropri-

Union of districts for high school purposes.

Tax levy to carry in each district.

ate money from their funds for this purpose. Any high school so established shall be under the management of a high school committee, consisting of two members of each of the boards creating such joint district, elected by a majority vote of said boards, and whose membership of said high school committee shall be for the same term as their term on the board which they represent. Said high school shall be free to all youth of school age within each district, subject to such rules and regulations as may be adopted by said high school committee, having control of the school in regard to the qualifications in scholarship requisite for admission, such rules and regulations to be of uniform operation throughout each district. The funds for the maintenance and support of such high school shall be provided by appropriations from the tuition or contingent funds, or both, of each district, in proportion to the total valuation of property in the respective districts, the same to be placed in a separate fund in the treasury of the board of education of the district in which the schoolhouse is located, and paid out by action of said high school committee for the purposes of maintaining said school.

High school committee, how elected.

Funds, how provided.

And all boards of education exercising control for the purposes of taxation over any territory within any township or joint township high school district, are hereby authorized and empowered, to levy upon all the taxable property within said territory, not exceeding five mills on one dollar in any one year, in addition to all other levies authorized by law, for the support and maintenance of any township or joint township high school to which said territory may belong. And all funds derived from levies made under this act shall be kept separate and shall be paid out for the support and maintenance of the high school for which such levy is made.

Tax levy, five mills.

SECTION 2. That said section 1 as amended is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

215G.

[House Bill No. 1070.]

AN ACT

To authorize the county commissioners of any county in which the Grand Army posts of such county have procured grounds for memorial purposes and have constructed thereon a memorial fort or other memorial, to appropriate money to aid in the improvement and maintenance thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of any county in which the Grand Army posts of such county have procured grounds for memorial purposes and have constructed thereon a memorial fort or other memorial, are hereby authorized and empowered to appropriate out of any fund not otherwise expended a sum or sums not exceeding in the aggregate in any one year the sum of one hundred dollars to aid in the improvement, enlargement, maintenance and perpetuation thereof. When such memorial grounds are situate within the corporate city limits of the county seat of such county, the board of county commissioners may join with the authorities of the city in the improvement, enlargement, maintenance and perpetuation of such memorial grounds; provided that any appropriation the city may make for such purpose may not be construed to reduce the appropriation of the county commissioners herein provided for.

Memorial forts, etc., appropriations for.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
216G.

[House Bill No. 1078.]

AN ACT

To protect railway property and guard against personal injuries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whoever without authority unlawfully removes from any railway track over which locomotives or cars are operated or from any locomotive, motor, or car the bond-wires, nuts, bolts, angle bars, spikes, attachments, fastenings, switch stands, locks, feed wires, trolley wires, or other appurtenances, or any part of or attachment thereof, or any bonds, nuts, bolts, wires, fastenings, journal brasses, journal packing or parts thereto attached

Unlawful removal of railroad property.

or belonging which are necessary in the use or operation of said railway tracks, locomotives, motors or cars, and the removal of which may endanger life, or whoever buys, receives, or unlawfully has in his possession any of the aforesaid articles, shall upon conviction thereof be imprisoned in the penitentiary not more than five years or less than one year, or not more than six months in the county jail or workhouse at the discretion of the court, which is hereby authorized to hear testimony in mitigation or aggravation of sentence. Penalty.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
217G.

[House Bill No. 1093.]

AN ACT

To amend sections 4 and 7 of an act passed April 2, 1906, entitled, "An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, and 9, of an act entitled, 'An act to authorize certain county commissioners to provide depositaries for public money and for other purposes' passed May 21, 1894," and to supplement said act relating to county funds and the securities therefor.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4 and 7 of an act passed April 2, 1906, entitled, "An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled 'An act to authorize certain county commissioners to provide depositaries for public money, and for other purposes, passed May 21, 1894, as amended April 26, 1898," be amended so as to read as follows:

Sec. 4. No such award shall be binding on such county, nor shall any of the money of the county be deposited thereunder until the hypothecation of the securities provided for in section seven (7) of this act, or until there is executed by the bank or banks or trust companies selected and accepted by the commissioners, a good and sufficient undertaking payable to the county, and to be recovered in the name of the county commissioners, for the use of the county, in such sum as the commissioners shall direct, and which shall not be less than the sum that shall be deposited in the depositary or depositaries at any one time; and such undertaking shall be signed by at least six resident freeholders as sureties, or, by a fidelity and indemnity insurance company, authorized to do such business within the state, and having not less than two hundred Undertaking, what to contain.

and fifty thousand ($250,000) dollars capital, to the satisfaction of the commissioners, as provided herein, and conditioned for the receipt, safe-keeping and payment over of all money which may come under its custody, under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposal, and the undertaking shall be further conditioned, for the faithful performance by the bank or banks or trust companies of all the duties imposed by this act upon the depositary or depositaries of the money of the county. Such undertaking shall be continuous and shall remain in full force as to any and all deposits secured by such undertaking until surrendered or canceled by ten (10) days' written notice given to the county commissioners, the county auditor and county treasurer each separately by a surety thereunder to withdraw the money of the county in such depositary, and if the money of the county so deposited is paid by such depositary to the county treasurer on his demand within said ten (10) days or if such depositary furnish and substitute new and satisfactory undertaking or securities as provided for by law for county depositaries then such surety shall be released from his obligation but not before. However no such surrender or cancellation shall operate to relieve any such surety of liability for deposits made before such notice was given until the deposits so made are secured to the satisfaction of the county commissioners expressed by resolution which shall be spread upon their journal or until such deposits are returned to the county treasury; provided, that no such surrender or cancellation shall be accepted until satisfactory undertakings in the same amount shall be substituted therefor.

Continuous undertaking.

Surrender or cancellation, effect of.

Form of undertaking.

An undertaking substantially as follows shall be sufficient: "We obligate ourselves to the county of....., Ohio, for the receipt, safe-keeping and repayment of deposits made or to be made by the county treasurer of ..... county, with interest in the ..... bank to the amount of ..... dollars and interest and the performance of all duties required by law." No informalities or failure of the depositary to sign said undertaking shall impair said undertaking as a statutory undertaking and all other matters may be treated as surplusage. The same surety shall not be accepted on more than one undertaking as to any one depositary at the same time. No fidelity and indemnity insurance company shall be taken on any one bond in excess of twenty (20) per cent. of its said paid-up capital and surplus. A depositary shall be obligated by securing a deposit to return same with interest, irrespective of the value of securities or the amount of such undertaking.

Securities, in lieu of undertaking.

Sec. 7. The commissioners may in lieu of the undertaking provided for by preceding sections accept as a security for money deposited as aforesaid the following securities:

(a) Bonds or other interest bearing obligations of the United States or those for which the faith of the United States is pledged to provide for the payment of interest and principal, including bonds of the District of Columbia;

(b) Bonds of the state of Ohio;

(c) Legally issued bonds of any city, village, hamlet, county, township, or other political subdivision of the state of Ohio, the indebtedness whereof does not exceed ten per cent. of the assessed valuation, and having a market value of not less than par and as to which there shall not have been any default for principal, interest or coupons and which are good and collectible in the opinion of the treasurer, provided, that the issuing body politic shall not have defaulted at any time since the year 1880 in the payment of the principal or interest of any of its bonds;

Deposits may be made in the depositaries up to ninety per cent. of the market value of the securities mentioned. The commissioners may accept such securities as partial security and require an undertaking for the remainder of the full amount specified in section 4 to be named in the undertaking, and in the undertaking so required, such acceptance of securities as partial security and the extent thereof shall be set forth. The hypothecation of such securities shall be the proper legal transfer as collateral which shall stipulate that the securities shall be the property of the county in case of any default on the part of the bank in its capacity as depositary as aforesaid and that its negotiation or release by the commissioner shall require the signature of each member of the board. The commissioners shall make ample provisions for the safe keeping of hypothecated securities; and the interest thereon when paid shall be turned over to the bank or trust company so long as it is not in default as aforesaid. The county commissioners may make provision for the exchange and release of securities and the substitution of others therefor or the taking of an undertaking in lieu thereof.

Hypothecation of securities, stipulations in transfer.

SECTION 2. That said act be supplemented as follows:

Sec. 10. Nothing in this act shall be held or considered as in any manner changing or affecting the liability of treasurers of counties having depositaries under and according to its provisions, except that they shall not be held liable for any loss of money deposited by them in the depositaries as provided herein, while such money deposited is in the custody of such depositaries.

Sec. 11. An officer of any such county who wilfully violates any provisions of this act or wilfully neglects or refuses to perform any duties thereby imposed upon him shall upon conviction thereof in the court of common pleas be fined in any sum not exceeding ten thousand dollars ($10,000.00) for the use of the county or be imprisoned in the penitentiary not more than ten years nor less than one year or both at the discretion of the court.

Violation.

Penalty.

Sec. 12. Any provision of the statutes of this state

in force when this act takes effect which conflicts with any provision of this act shall be held to be superseded by the latter as to the matter of inconsistency and not otherwise in counties having a depositary or depositaries for county funds under the provisions thereof; provided that when for any reason any of such counties shall be without a depositary for such funds, the money of the county shall be placed and remain in the custody of the treasurer until another depositary is designated and he shall be governed by the general laws relating to county treasurers.

Bank checks, receiving of, by treasurer.

Sec. 13. A county treasurer may receive checks but the receipt by a treasurer of checks shall in no manner be regarded as payment. No sum shall be considered paid until the money has been received therefor by the treasurer or a depositary. No responsibility shall attach in any manner directly or indirectly to a treasurer, his sureties or the county by reason of the receipt of a check and collection of checks shall be entirely at the risk of the person turning same into the treasurer.

SECTION 3. That original sections 4 and 7 of an act passed April 2, 1906, entitled "An act to amend sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled 'An act to authorize certain county commissioners to provide depositaries for public money and for other purposes, passed May 21, 1894, as amended April 26, 1898," be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
218G.

[House Bill No. 1102.]

AN ACT

To amend sections 5 and 18 of an act, entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages therein, and to repeal sections 1 and 25 inclusive of an act passed April 16, 1900, Ohio Laws, Vol. 94, page 284," passed April 22, 1904, to provide for the appointment of commissioners.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5 and 18 of an act entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages therein, and to repeal sections 1 and 25 inclusive of an act passed April 16, 1900, Ohio Laws, vol. 94, page 284," passed April 22, 1904, be amended so as to read as follows:

Sec. 5. If, at such election, a majority be found in

favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders as commissioners, who shall serve three years from and after the date of their appointment, and in the event of a vacancy occurring upon such board from any cause whatsoever, such vacancy shall be filled by appointment for the unexpired term by the trustees. Provided further, that, if in any township in this state, at such election heretofore held therein, a majority were found in favor of the policy of the improvement of the public roads of such township by general taxation, and the terms of the commissioners heretofore appointed under this act have expired before all the public roads of said township are improved as aforesaid, then the trustees of said township are hereby authorized to appoint three freeholders as commissioners, who shall serve three years from the date of their appointment, and in the event of a vacancy occurring upon such board from any cause whatsoever, such vacancy shall be filled by appointment for the unexpired term by the trustees, and at the expiration of the term of any or all of such commissioners heretofore or hereafter appointed under this act, the trustees of such township are authorized to appoint their successors for such term until all of the public roads of such township are so improved as aforesaid. Such commissioners shall designate and determine the established roads and streets in such township which shall, in their opinion, be improved. The commissioners shall call to their assistance a competent engineer, who shall make a correct map of such township, plainly showing the established roads and streets in such township which have been by such commissioners designated for such improvement; also profiles of such roads and streets showing the grade thereof, as they then exist or have been established, which he shall turn over to the custody of the township clerk.

Commissioners, appointment of.

Vacancy, how filled.

Map.

Sec. 18. When the trustees of any such township have determined to improve any road, as herein provided, in order to provide for the payment of such improvement and to provide a fund for the redemption of any bonds issued by them under the provisions of section 17 of this act together with the interest thereon, they shall, in addition to the other road taxes authorized by law to levy annually upon each dollar of valuation of all taxable property of such township an amount not exceeding six mills upon each dollar of such valuation, and shall continue such levy from year to year until all the roads and streets by said commissioners designated for improvements have been improved, as herein provided, and the bonds issued for that purpose, together with interest thereon, have been paid.

Tax levy.

SECTION 2. That sections 5 and 18 of an act entitled, "An act to authorize the improvement of public roads of townships including streets of cities or villages therein, and to repeal sections 1 and 25 inclusive of an act passed April 16

1900, Ohio Laws, vol. 94, page 284," passed April 22, 1904, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
219G.

[House Bill No. 1111.]

AN ACT

To amend section 6942 of the Revised Statutes of Ohio, relating to keeping a place where intoxicating liquors are sold in violation of law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6942 of the Revised Statutes of the state of Ohio, be amended to read as follows:

Penalty, first offense.

Penalty, subsequent offense.

Sec. 6942. A keeper of a place where intoxicating liquors are sold, furnished or given away in violation of law, shall be fined not more than five hundred, nor less than one hundred dollars for the first offense, and shall for any subsequent offense be fined not more than five hundred, nor less than two hundred dollars and the court on conviction for a second or subsequent offense shall order the place where such liquor is sold, furnished or given away in violation of law, to be abated as a nuisance; or shall order the person convicted for such subsequent offense to give bond payable to the state of Ohio in the sum of $1,000 with sureties to the acceptance of the court that such person, or persons, will not sell, furnish or give away intoxicating liquor in violation of law, and will pay all fines, costs and damages assessed against such person for violation of laws relating to the sale of intoxicating liquors, and the giving away of intoxicating liquors, or other shift or device to evade the provisions of this section shall be deemed and held to be unlawful selling.

SECTION 2. Said original section 6942 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
220G.

[House Bill No. 1119.]

AN ACT

To amend sections 3556 and 3561 of the Revised Statutes relating to gas companies.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3556 and 3561 of the Revised Statutes be amended so as to read as follows:

Sec. 3556. Meters in use shall be tested on the request of the consumer, in his presence, if desired, with a meter-prover, tested and sealed as provided in section thirty-five hundred and sixty-one, by an officer or servant of the company; if the meter be found to be correct, and it shall be deemed correct if there be no greater variation than three per cent., the party requesting the inspection shall pay a fee of twenty-five cents, and the expense of removing the same for the purpose of being tested, and the re-inspection shall be stamped on the meter; if proved incorrect, no fees or expense shall be paid by the consumer, and the company shall furnish a new meter without any charge to the consumer; and no gas company shall have the right to charge rent for meters.

Meters, testing of.

Fee.

The provisions of this section shall apply to all gas companies, supplying the public with either natural or artificial gas, and the failure upon the part of any person, firm or corporation so providing either natural or artificial gas to the public to comply with the provisions of this section shall cause said person, firm or corporation to forfeit and pay to the state not less than $25.00 nor more than $100.00, to be recovered upon the complaint of any consumer of such gas in the name of the state before any court of competent jurisdiction.

To what companies applicable.

Penalty.

Sec. 3561. All gas companies supplying the public with illuminating gas, either natural or artificial, which are not supplied with such apparatus, shall forthwith provide for their use a meter-prover, the holder of which shall contain not less than five feet, the same to be tested, stamped, and sealed by the state sealer of weights and measures, at the Ohio State University, before being used; and a photometer for the comparison of the lights of gases and candles by means of a disk. The failure on the part of any person, firm or corporation supplying the public with illuminating gas to comply with the provisions of this section shall cause said person, firm or corporation to forfeit and pay to the state not less than $25.00 nor more than $100.00 to be recovered upon the complaint of any such consumer, in the name of the state, before any court of competent jurisdiction.

Meter-prover and photometer.

Penalty.

SECTION 2. That said original sections 3556 and 3561 be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
221G.

[House Bill No. 1124]

AN ACT

To amend section 2533 of the Revised Statutes, providing for biennial election of Union Cemetery trustees by the electors of Joint Union Cemetery districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2533 of the Revised Statutes be amended so as to read as follows:

Sec. 2533. When two or more such bodies are united for cemetery purposes as provided in the preceding section or where any municipal corporation and any precinct in which same is located have heretofore united in establishing a joint cemetery, three cemetery trustees shall be chosen for a term of two years by the electors residing within the limits of the territory comprising the joint cemetery district, at the time and places provided by law for the election of corporation and township officers, and the terms of office of such cemetery trustees shall commence on the first Monday of January next after their election, and all vacancies in said board shall be filled by the council of such corporation or corporations and the trustees of such township in joint session convened for that purpose.

Cemetery trustees, biennial election of.

SECTION 2. That said section 2533 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
222G.

[House Bill No. 1134.]

AN ACT

To amend section 1 of an act entitled, "An act to restrict the selling, or giving away of cocaine," passed April 14, 1902, to prohibit the sale of cocaine and salts or preparations thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to restrict the selling or giving away of cocaine," passed April 14, 1902, be amended so as to read as follows:

Unlawful sale of cocaine.

Sec. 1. Whoever, by himself or by his servant, or agent or as the servant or agent of any other person, sells, barters or gives away any quantity of alkaloid cocaine, or its salts or preparations or mixtures containing alkaloid cocaine or its salts, except upon the prescription of a physician or dentist duly licensed under the laws of the state of Ohio, which prescription shall contain the name of the physician or dentist issuing same, the date of issue and the name of the person for whom it is issued, or fails to keep on file such prescription for at least two years, in such manner that said prescription shall be accessible at all reasonable times to the proper officer or officers of the law, or fills said prescription more than once, shall be fined not more than five hundred dollars nor less than fifty dollars, but the provisions of this act do not extend to any person, persons, firm or corporation engaged in selling drugs and medicines at wholesale selling any quantity of alkaloid cocaine or its salts or preparations or mixtures containing alkaloid cocaine or its salts to another person, persons, firm or corporation engaged in selling drugs or medicines at wholesale or retail, or lawfully engaged in the practice of medicine or dentistry in accordance with the laws governing such business.

Penalty.

Enforcement, by Ohio board of pharmacy.

It shall be the duty of the Ohio board of pharmacy to enforce the provisions of this act, and all fines collected under this act shall be paid to the treasury of the Ohio board of pharmacy, and by him covered into the state treasury to be credited to the use of the Ohio board of pharmacy; provided, however, that all courts having jurisdiction in misdemeanors shall have jurisdiction for any violation hereof, and upon complaint it shall be the duty of any prosecuting attorney or other proper officer to prosecute any violation of this act.

SECTION 2. That said original section of an act entitled, "An act to restrict the selling, or giving away of co-

caine," passed April 14, 1902, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
223G.

[House Bill No. 1137.]

AN ACT

To amend section 1783 of the Revised Statutes to empower cities and villages to appoint sealer of weights.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1783 of the Revised Statutes be amended so as to read as follows:

Sealer of weights and measures, appointment of.

Sec. 1783. In cities and villages there may be appointed one sealer of weights and measures by the mayor. The person so appointed shall be a competent person for the position and shall receive a salary fixed by ordinance to be paid by the city or village which salary shall be in lieu of all fees or charges otherwise allowed by law or ordinance. Such sealer of weights and measures shall hold office co-extensive with the term of office of the mayor who makes his appointment and until his successor is appointed and qualified unless otherwise removed from office. Before entering upon his duties, such sealer of weights and measures shall take the oath of office required by law and give bond to the city or village in such amount as may be prescribed by ordinance, with security to the approval of the mayor and conditioned for the faithful performance of his duties. Such city or village sealer shall, at least once in three years, compare the copy of standards in his possession with those in the office of the county sealer.

Oath and bond.

SECTION 2. That said original section 1783 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
224G.

[House Bill No. 1138.]

AN ACT

To amend section 1570 of the Revised Statutes, relative to the change of names of villages, and hamlets so as to include cities under its provision and to repeal sections 5852 and 5854 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1570 of the Revised Statutes be amended so as to read as follows:

Sec. 1570. Whenever it is desirable to change the name of a city, village or hamlet, a petition for the purpose, subscribed by at least twelve freeholders of the corporation, setting forth the reasons why such change is desirable, shall be filed in the court of common pleas of the county in which the corporation, or the larger part thereof, is situate; and a notice, setting forth the object of the petitioners, and the time when and place where the petition will be heard, shall be published thirty days previous to the hearing, in a newspaper of general circulation in the corporation.

Petition, for change of name, where filed.

SECTION 2. That said sections 5852, 5854 and 1570 of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
225G.

[House Bill No. 1153.]

AN ACT

To supplement section 21 of an act entitled, "An act to provide for the enforcement of local option laws prohibiting the sale of intoxicating liquors as a beverage," passed February 23, 1906, relating to proceedings on error.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 21 of an act entitled, "An act to provide for the enforcement of local option laws prohibiting the sale of intoxicating liquors as a beverage," passed February 23, 1906, be supplemented as follows:

Sec. 21*a*. Whenever a reviewing court is not in session within the time provided for, the motion for leave to file petition in error, and the petition in error may be filed with and heard by the reviewing court within ten days after said court is in session.

Petition in error, filing and hearing of.

Application of funds.

All fines and forfeited bonds, collected under the provisions of this act, shall be paid into the treasury of the municipal corporation, wherein said fine was imposed and bond forfeited, and shall be applied to such fund or funds as the council of said corporation may direct. When such law is enforced in the county courts, the fines shall be paid into the county treasury.

All costs arising as a result of an affidavit duly filed and warrant issued under this act, whereby liquors, vessels and furniture are seized, shall be taxed with the costs in the trial for the violation of the local option laws.

C. O. D. shipments, sale where made.

All sales of intoxicating liquor to be paid for on delivery, commonly called C. O. D. shipments, shall be held to be made at the place of destination, or, where the money is paid or goods delivered. In all clubs, societies, or other combinations of individuals where intoxicating liquor is kept for the use of as a beverage by individual members of the club or society in territory where the sale, furnishing or giving away of intoxicating liquor as a beverage is prohibited, the keeping of such place shall be held to be the keeping of a place where intoxicating liquors are furnished or given away in violation of the local option laws.

Clubs, etc.

Local option petition, what to contain.

That all petitions presented under the provisions of any local option law to prohibit the sale of intoxicating liquor as a beverage, shall have the name and address of each elector signing such petition, the name of the street and number, if there be such, and if there is no street name or number, then the name of the village or township shall be written opposite the name of the elector.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
226G.

[House Bill No. 1169.]

AN ACT

To amend section 4637-9 of the Revised Statutes as amended April 25, 1904, in relation to the issuance of notes or bonds for road improvement.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4637-9 of the Revised Statutes be amended so as to read as follows:

Sec. 4637-9. The assessment so made shall be certified by the commissioners to the auditor of the county, who

shall place the same on the tax list against such taxable property, which shall thereupon become a lien upon such property, and the same shall be collected as other taxes, in not to exceed ten annual installments. Said commissioners may, after the amount of one installment has been paid, in anticipation of the collection of the balance of such assessment, borrow a sum of money sufficient to pay the balance of the whole of the estimated cost and expense of the improvement, and shall have authority to issue and sell negotiable notes or bonds bearing a rate of interest not to exceed five per cent. per annum. In which event said commissioners shall cause the damages to be paid at once, also the improvement to be made at once, and may add interest at the rate of not to exceed five per cent. per annum to all unpaid installments and collect the same together with the assessment.

Assessment, lien, collection of.

Notes and bonds, sale of.

Provided, that the total amount of notes and bonds issued and outstanding under the provisions of this section shall, at no time, be in excess of one per cent. of the total tax duplicate of the county.

Maximum amount of notes and bonds.

SECTION 2. That said original section 4637-9 of the Revised Statutes, as amended April 25, 1904, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
227G.

[House Bill No. 1172.]

AN ACT

To amend section 4022-9 of the Revised Statutes providing relief to enable children to attend school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4022-9 of the Revised Statutes be amended to read as follows:

Sec. 4022-9. When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work at home or elsewhere in order to support itself or help to support or care for others legally entitled to its services who are unable to support or care for themselves, the truant officer shall report the case to the president of the board of education, and it shall be the duty of said president of the board of education to furnish text

Text books, free, in certain cases.

books free of charge, and such other relief as may be necessary to enable the child to attend school for the time each year required under this act; the expenses incident to furnishing said books and relief to be paid from the contingent funds of the school district. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child, or its parents or guardian, refuse or neglect to take advantage of the provisions thus made for its instruction, such child may be committed to a children's home or a juvenile reformatory, as provided for in section 4022-8 of the Revised Statutes of Ohio.

SECTION 2. That section 4022-9 of the Revised Statutes as amended May 12, 1902, is hereby repealed, and this act shall take effect and be in force on and after July 1, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
228G.

[House Bill No. 1179.]

AN ACT

To amend sections 2, 3 and 5 of an act entitled, "An act for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named, passed March 1, 1900, as amended March 13, 1902, April 30, 1902 and March 3, 1904, to create additional districts and inspectors therefor."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2, 3 and 5 of an act entitled, "An act for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal an act therein named, passed March 1, 1900, as amended March 13, 1902, April 30, 1902, and March 3, 1904, be amended to read as follows:

Sec. 2. For the purpose of facilitating an efficient and thorough examination of engineers throughout the state of Ohio, and to provide for a more adequate protection of life and property, the state is hereby divided into ten (10) districts, to be designated by the chief examiner.

Districts, state divided into ten.

Sec. 3. The governor of the state of Ohio, with and by the advice and consent of the senate, shall appoint one chief examiner of steam engineers, and said chief examiner

of steam engineers, with the approval of the governor, shall appoint an assistant chief examiner of steam engineers and ten (10) district examiners of steam engineers.

Examiners, qualifications of.

The chief examiner, assistant chief examiner and district examiners shall be competent and practical steam engineers, and shall hold their offices for a term of three (3) years from the first day of May, 1902, and after their respective appointments, and until their successors are appointed and qualified. The first appointment hereunder shall be made within sixty days from the passage of this act. In case of the resignation, removal or death of the chief examiner, assistant chief examiner, or any district examiner, the vacancy shall be filled in the manner as provided for the original appointment, for the unexpired term only, of the position so made vacant.

Chief examiner, location of.

Sec. 5. The chief examiner, assistant chief examiner and district examiners shall give their whole time and attention to the duties of their offices respectively. The chief examiner shall be located at Columbus, and shall have his office in the state house, where shall be kept the records of his office, and for the purpose of keeping such records shall be allowed two clerks at salaries of $1,200 and one clerk at $1,000 per annum respectively, said clerks to be appointed by the chief examiner, with the approval of the governor, and to give bonds in the sum of $1,500. The chief examiner shall issue such instructions, make such rules and regulations for the government of the district examiners, not inconsistent with the powers and duties vested in them by law, as shall secure a uniformity of action and proceedings throughout the different districts. The chief examiner shall receive a salary of $3,000 per annum, the assistant chief examiner shall receive a salary of $1,800 per annum, and the district examiners shall each receive a salary of $1,500 per annum, which salary and all necessary traveling and office expenses incurred by said examiners in the discharge of their duties, shall be paid out of the treasury of the state from any fund therein not otherwise appropriated, on the warrant of the auditor, on the presentation to him of the proper vouchers. The chief examiner shall give a bond in the sum of $3,000, and the assistant chief examiner and the said district examiners shall each give a bond in the sum of $2,000. All bonds required by this act to be given shall be approved by the governor.

Salaries.

SECTION 2. That said sections 2, 3 and 5 be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
229G.

[House Bill No. 1180.]

AN ACT

To establish and maintain permanent headquarters for the Grand Army of the Republic, Department of Ohio, at Columbus.

WHEREAS, The ranks of the Grand Army of the Republic of the department of Ohio, are depleting in numbers and the finances of the department are also in a depleted condition, to such an extent that the per capita tax is insufficient to defray the expenses of department headquarters in different cities each year; and

WHEREAS, The state of Indiana and other states which furnished a less number of soldiers for the Union army during the War of the Rebellion than the state of Ohio, are maintaining headquarters for the Grand Army of the Republic in their respective states, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there is hereby appropriated a sum of $2500 for the fiscal year ending February 15, 1909, from moneys not otherwise appropriated to defray the expense of maintaining a permanent headquarters of the Grand Army of the Republic, department of Ohio at the city of Columbus, and the adjutant general is hereby authorized to furnish a convenient room for said headquarters, in or near the capitol. Provided, however, that no adjutant general appointed by any department commander shall hold his office more than two years in succession.

G. A. R. state headquarters.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
230G.

[House Bill No. 1192.]

AN ACT

To amend sections 7428 and 7429 of the Revised Statutes, relating to insane convicts in the Ohio penitentiary.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7428 and 7429 of the Revised Statutes be amended as follows:

Insane convicts, disposition of.

Sec. 7428. When a convict imprisoned in the Ohio penitentiary or the Ohio state reformatory becomes insane, the warden of the penitentiary or the superintendent of the reformatory shall give notice to the institution physician, who, upon the receipt of such notice, shall forthwith examine such convict, and if upon such examination he is of the opinion that the convict is insane, he shall certify the same to the warden, in the case of the penitentiary, or to the superintendent, in the case of the reformatory, and the warden, in the case of the penitentiary, shall forthwith confine such lunatic or insane convict in the insane department of the penitentiary; and the superintendent, in the case of the reformatory, shall present to the board of managers of the reformatory the certificate of said institution physician, and said board of managers may direct and order, and thereupon it shall be the duty of such superintendent to remove such lunatic or insane convict to the Columbus state hospital, and it shall be the duty of the superintendent of such hospital to set apart a portion of such asylum wherein such lunatic or insane convict shall be confined as may be necessary.

Removal to Columbus state hospital.

Should it be deemed necessary after a convict of the penitentiary is put in the insane department of said penitentiary, evidenced by the certificate of the superintendent of the Columbus state hospital and the physician of said penitentiary, the board of managers of the penitentiary may direct and order, and thereupon it shall be the duty of the warden of the penitentiary to remove such lunatic or insane convict to the Columbus state hospital, and it shall be the duty of the superintendent of such hospital to set apart a portion of such asylum wherein such lunatic or insane convict shall be confined as may be necessary. In case any inmate of the Ohio state reformatory shall be suffering with epilepsy when received at said reformatory or shall develop said disease after being received at such institution, the superintendent shall give notice to the physician of the reformatory, who, upon receipt of such notice, shall forthwith examine such inmate, and if upon such examination he is of the opinion that the inmate is suffering from epilepsy, he shall certify the same to the superintendent, who shall present to the board of managers of such reformatory the certificate of said institution physician, and said board of managers may direct and order, and thereupon it shall be the duty of the superintendent to remove such epileptic convict to the epileptic hospital at Gallipolis, Ohio, and it shall be the duty of the superintendent of such hospital to set aside a portion of such hospital wherein such epileptic shall be confined as may be necessary.

Epileptics, disposition of.

Medical treatment.

Sec. 7429. The physician for the penitentiary or reformatory shall give such medical and surgical treatment to all lunatic or insane convicts while confined in the penitentiary or reformatory as the nature of their case requires; and all lunatics or insane convicts of the penitentiary or Ohio state

reformatory, while confined in the Columbus state hospital, shall receive such care, attention and medical treatment, and be subject to such rules as may be provided for other inmates therein; and whenever a certificate is issued to the warden of the penitentiary by the physician of the penitentiary, that any lunatic or insane convict confined in the insane department of the penitentiary, or whenever a certificate is issued to the warden of the penitentiary or to the superintendent of the Ohio state reformatory, by the superintendent of any state hospital for the insane, in which any convict from either of said institutions may be confined, as provided in the next preceding section that such convict is restored to his proper mind, or so far restored that it is considered safe to put him at labor under his sentence, the warden of the penitentiary or the superintendent of the reformatory, as the case may be, shall again remove said convict from said asylum and return him to said prison and shall again put him at hard labor according to his sentence.

If the superintendent of the epileptic hospital at Gallipolis, Ohio, shall issue a certificate to the superintendent of the reformatory that any epileptic convict confined in said hospital, as provided in the next preceding section, is restored to health or so far restored that it is considered safe to put him at labor under his sentence, the superintendent of the reformatory shall again remove said convict from said epileptic hospital and return him to said reformatory and shall again put him at hard labor according to his sentence.

Return of convict.

SECTION 2. That said sections 7428 and 7429 of the Revised Statutes, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
231G.

[House Bill No. 1205.]

AN ACT

To amend sections 4364-53*a* and 4364-53*b* of the Revised Statutes, in relation to the use of the union label.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4364-53*a* and 4364-53*b* of the Revised Statutes be amended so as to read as follows:

Unlawful use of union label, etc.

Sec. 4364-53*a*. Any person or persons, partnership or corporation, who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such association or union in any manner, not being authorized so to do by such union or association, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars ($200). In all such cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

Penalty.

Sec. 4364-53*b*. Any person or persons, partnership or corporation, who shall in any way use the genuine label, trade mark, design, device or form of advertisement, or the name or seal, of any such association or union or officer thereof in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than two hundred dollars ($200).

Penalty.

SECTION 2. That original sections 4364-53*a* and 4364-53*b* of the Revised Statutes be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
232G.

[House Bill No. 1217.]

AN ACT

To amend section 6317 of the Revised Statutes of Ohio, in relation to guardian for habitual drunkards, so as to provide for guardian for those who fail to support those dependent upon any such person.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6317 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6317. The probate court, upon satisfactory proof that any person resident of the county wherein the application may be made, is incapable of taking proper care of himself or herself, or of his or her property, or who neglects or fails to provide, for his family, or for other persons whom he is charged by law to provide for, by reason of intemperance, or improvidence or by reason of habitual drunk-

Guardian, appointment of for habitual drunkard.

enness, shall forthwith appoint a guardian of the person and property of such person, or either, which guardian shall, by virtue of such appointment, be guardian also of the minor child or children of his ward, in case no other be appointed; and all laws relating to guardians for lunatics, idiots and imbeciles, and their wards, and all laws pointing out the qualifications, duties, rights and liabilities of such guardians, and their sureties in force for the time being, shall be applicable to the guardians contemplated by this title.

SECTION 2. That original section 6317 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
233G.

[House Bill No. 1232.]

AN ACT

To amend section 2833 of the Revised Statutes, providing for a uniform disposition of the special fund created by the tax on dogs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2833 of the Revised Statutes be amended so as to read as follows:

Sec. 2833. In the tax list duplicate there shall be collected for the number of and per capita tax on dogs, and in addition to the proper tax on any valuation that may be fixed upon dogs by the owners, which shall be included with the personal property valuation, and taxed therewith, the auditor shall levy one dollar on each male and spayed female dog, and two dollars on each unspayed female dog, which per capita tax shall be levied upon and entered against the real estate upon which said dog is kept or harbored and collected as are other taxes upon real estate and shall constitute a special fund to be disposed of in the payment of sheep claims, as provided in section 4215: And if, after paying all such sheep claims, at the June session of the county commissioners, there remain more than one thousand dollars of such fund, the excess, at such June session, shall be transferred and disposed of as follows: In any county in which there now exists a society for the prevention of cruelty to children and animals, incorporated and organized under chapter 13, title 2, division 2, of the Revised Statutes, and in any county in which no such society now exists, but in

Tax levy on dogs.

Fund, how disposed of.

Surplus, over $1,000.00, disposition of.

which there may be hereafter incorporated and organized such society in accordance with said chapter, title and division, and such societies now existing or which may hereafter be organized, shall have one or more agents appointed in pursuance of said chapter, title and division, all or such portion of such excess as the county commissioners, in their discretion, may deem necessary for the uses and purposes of such society, shall, by order of the county commissioners, upon the warrant of the county auditors, be paid to the treasurer of such society, and any surplus not so transferred shall be transferred to the school fund, the poor fund, or the road and bridge fund, at the discretion of the county commissioners.

SECTION 2. That said section 2833 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
234G.

[House Bill No. 1234.]

AN ACT

To supplement section 4658 of the Revised Statutes to allow commissioners to repair joint county roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4658 of the Revised Statutes be supplemented as follows:

Sec. 4658*a*. Whenever a road, established and opened upon a county line, as provided for in sections 4657 and 4658 of the Revised Statutes of the state of Ohio, shall become impassable by reason of any sinkhole, fissure, washout, or other obstruction, or shall be in need of repair from any cause, it shall be the duty of the boards of county commissioners of the respective counties, when notice thereof in writing shall be filed with the county auditor of the respective counties, to meet in session at the office of the board of county commissioners of the oldest of such counties at a time to be fixed by the auditor of such oldest county in a written notice to be by such auditor given to all of such boards of commissioners, and thereupon then go upon the line of said road and jointly view the same and such sinkholes, fissures, washouts or other obstructions as may then be thereon and shall adjourn from time to time,

Repair of joint county roads, duty of commissioners.

from place to place, to meet in joint session, and, by all necessary orders, proceeding and other joint action shall cause such road to be repaired and restored by filling, pontooning or bridging such sinkhole, fissure or washout, or by filling or removing any other obstruction therein; and when necessary may direct a competent engineer to prepare specifications and estimates; and the costs and expenses of such restoration and repair shall be paid in equal parts out of the treasuries of the respective counties.

Specifications and estimates.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
235G.

[House Bill No. 1242.]

AN ACT

To provide for county hospitals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That whenever two hundred or more taxpayers of any county petition the commissioners of such county for the privilege of having submitted to a vote of the electors of such county and of the issue of county bonds, or notes, to provide funds for the purchase of a site and the erection thereon of county hospital, hospital buildings, and the support of the same; such board of commissioners shall order a special election to be held not less than forty nor more than sixty days from the filing of such petition with said board of county commissioners, to determine the question of issuing bonds or notes for such county hospital, purchasing site, erecting buildings thereon and issuing bonds of said county therefor and to maintain the same, which said election shall be held at the usual places in such county for electing county officers, and notice shall be given and said election shall be conducted in like manner so nearly as practicable as for the election of county officers.

County hospital, special election for.

SECTION 2. The petitions filed with said commissioners shall stipulate the maximum amount of money proposed to be expended in purchasing or building said hospital, and the same with notice of such election shall be published at least one time, twenty or more days prior to said election, in at least two newspapers of general circulation in said county.

Petition, what to stipulate.

SECTION 3. The ballots to be used at any special elec-

Ballots.

tion held under the provisions of this act, shall be printed with an affirmative and negative statement, to-wit: "For bond issue for purchase of site and erection of county hospital," "Against bond issue for purchase of site and erection of county hospital."

SECTION 4. In case a majority of the electors of said county voting at such election are in favor of said issue of bonds, then the commissioners of such county, shall provide, for the purchase of such site, and the erection of necessary buildings thereon, and shall proceed to issue the bonds of said county according to law and provide means by taxation for the said purchase and support of such hospital. Bond issue.

SECTION 5. Said commissioners shall within thirty days after such election in the event of a majority of the votes favoring the issue of bonds for such hospital appoint six suitable trustees, who shall be citizens in said county two of whom shall be appointed for one year, two for two years and two for three years; and on the expiration of their said terms said commissioners shall appoint successors for period of three years, having like qualifications; and said commissioners shall fill all vacancies for unexpired terms caused by death, resignation or removal from office in said board; and said trustees shall have charge of the purchasing of site, erection of buildings thereon for such hospital and the management and control of the same and all its said property; they shall give bond for the proper performance of their respective duties in such sum as required by commissioners of said county; said trustees shall serve without compensation. Said board of trustees are hereby authorized to receive and hold in trust for the use of such hospital, any grant or devise of land, or any gift, or bequest of money or other personal property that may be given for the erection or support of such hospital. Trustees, appointment of. Duties of trustees.

SECTION 6. That county commissioners shall upon certificate of said trustees, of amount necessary therefor, issue the bonds of the county in anticipation of taxes to be levied for such purpose, and sell said bonds, bearing a rate of interest not to exceed six per cent., payable semi-annually, for the purpose of purchasing a site and erecting buildings, or of purchasing a site with buildings already thereon, and for maintaining same; and thereafter annually said commissioners shall levy an amount sufficient to provide a sufficient sinking fund for the ultimate payment of said bonds and interest as they mature, and for such amount as said trustees may certify as necessary to maintain such hospital. Annual levy.

SECTION 7. Such board of hospital trustees shall hold meetings at least once a month, and shall adopt all necessary rules for the regulation of its business; shall keep a complete record of all its proceedings; elect one of its members clerk thereof; and four members of said board shall constitute a quorum for the transaction of business; said board shall have entire management and control of said hospital and shall establish such rules for the government Rules and regulations.

thereof and the admission of persons thereto as it may deem expedient; and said board shall have control of all property of said hospital and shall deposit all money of said hospital with the county treasurer to be paid out on the warrant of the county auditor, issued only upon the order of said trustees.

Advertising for bids.

SECTION 8. Such trustees before making any contract for the expenditure of money on any structure or improvement in excess of one thousand dollars, shall advertise according to law for bids, and cause plans, specifications and detailed drawings to be distributed among the bidders therefrom.

Employes.

SECTION 9. Such board of hospital trustees may employ such superintendent, physicians, nurses, and other employes as it deems necessary for the proper care and control of said hospital and its inmates, and fix their salaries and compensation, and any such persons may be removed by said board at any time.

Powers of trustees.

SECTION 10. Such board of trustees shall have the power to determine whether or not patients presented at said hospital for treatment either medical or surgical, are subjects for charity, and shall fix such price for compensation of patients other than those unable to assist themselves, as said board deems proper, the receipts therefor to be paid into the county treasurer to the credit of said hospital fund, and used toward the maintenance of said hospital.

Annual report.

SECTION 11. Said board of hospital trustees shall on the first Monday in April of each year file with the commissioners of said county a report of their proceedings with reference to such hospital, and statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and improve said hospital for the ensuing year.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

236G.

[House Bill No. 1243.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for the improvement of public roads," passed April 4, 1900, relating to petitioners for the improvement of roads.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to provide for the improvement of public roads," passed April 4, 1900, be amended so as to read as follows:

Sec. 1. That when a majority of the resident owners of any real estate lying and being within one mile of any public road, shall present a petition to the county commissioners of any county in the state of Ohio, asking for the grading and improving of any such road, the board of county commissioners shall go upon the line of such road, described in such petition, and if in the opinion of the county commissioners the public utility requires such road to be graded and improved, the commissioners shall determine whether the improvement shall be constructed of stone, gravel, or brick, any or all, and they shall determine what part or parts of such road improvement shall be of stone, gravel, or brick, any or all and shall enter their determination on their journal, and at the same time appoint an engineer to go over the line of such road and make such markings, gradient lines, plat and profiles and estimates as such commissioners shall order in their entry on their journal and order that the improvement be made; and at the same time said commissioners shall order that a portion of the cost and expense thereof, which shall not be less than one-half, nor more than two-thirds, of the total cost and expense thereof shall be paid out of the proceeds of any levy or levies upon the grand duplicate of the county assessed against which the taxable property of any township or townships in which such road may be in whole or in part, as authorized by section 5 of this act. And shall also order that the balance of said cost and expense be assessed upon and collected from the owners of said real estate, and from the real estate benefited thereby in proportion to the benefit to be derived therefrom by said real estate as determined by said commissioners. Said order shall also state the lands which shall be subject to be assessed for the cost and expense of said improvement, and whether the estimated assessment therefor shall be made before the improvement is commenced, or after the same is completed.

Grading and improving roads, petition for.

Expense, how paid.

Provided that it shall not be necessary in determining such majority petitioners to count any such resident land owners residing within any municipality.

SECTION 2. That section 1 of an act entitled, "An act

to provide for the improvement of public roads," passed April 4, 1900, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
237G.

[House Bill No. 1254)]

AN ACT

To authorize unincorporated districts to contract for lighting their streets.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Whenever in any unincorporated district in any township in this state the owners of more than one-half of the feet front of the lots and lands abutting on the streets and public ways in said district, sign a petition, which petition shall specify the metes and bounds of said district, but which district shall include no lands over six hundred and sixty feet from nor any lands not abutting on the streets and public ways in said district, in favor of artificially lighting the streets and public ways in said district during the night time or any part thereof, and file said petition with the clerk of said township, said clerk shall thereupon give notice to the trustees of said township of the filing of said petition, together with a copy thereof.

Street lighting, in unincorporated districts, petition for.

SECTION 2. Said clerk shall fix a day for the hearing of the same not more than thirty days from the date of said notice. Said clerk shall prepare and deliver to said petitioners, or any one of them, a notice in writing directed to the lot and land owners and to the corporations, either public or private, affected by said improvement, setting forth the substance, pendency and prayer of such petition, and the time and the place of hearing on the same, a copy of which notice shall be served upon each lot or land owner or left at his or her usual place of residence, and upon an officer or agent of each such public or private corporation having its place of business in said district, at least fifteen days before the day set for hearing, and the person who serves such notices shall make return on the notices, under oath, of the time and manner of service and file the same with said clerk on or before the day of said hearing.

Copy of notice, service of.

SECTION 3. Said clerk shall, at the same time, give like notice to each non-resident lot or land owner by publication once in a newspaper printed and of general circu-

Notice to non-residents, by publication.

lation in the county in which said district is situated, at least two weeks before the day set for hearing, and such notice shall be verified by affidavit of the printer or other person knowing the fact, and filed with said clerk on or before the day of hearing, and no further notice of said petition or the proceedings under the same shall thereafter be required.

Hearing.

SECTION 4. Said trustees shall meet at the time and place specified in said notice for hearing as aforesaid, and hear any and all proof offered by any of the parties affected by said improvement, and other persons competent to testify; and shall go over and along said streets and public ways, and by actual view of the same, and the premises along and adjacent thereto and to be lighted or benefited thereby, determine the necessity thereof, and may adjourn from time to time and to such place as the necessity may require, and in case said trustees decide for said improvement they shall specify the number of lights they deem necessary for properly lighting the streets and public ways in said district, determine the candle power of said lights and locate the points in said district where said lights shall be located and the kind of supports for the same; and the signing of said petition by said property owner shall be a waiver by him of all claims for compensation and damages for lands necessarily appropriated for the purpose of supporting and maintaining said lights.

Number of lights specified by trustees.

SECTION 5. After having complied with the provisions set forth in the preceding section, said trustees shall advertise by posting in three of the most conspicuous public places in said district, a notice specifying the number, candle power, and location of said lights, and the kind of supports for said lights, and stating the time, which shall not be less than thirty days from the posting of the notices, and the place said trustees will receive bids from all persons desiring to furnish said lights. On receiving said bids, said trustees shall accept the lowest and best bid, providing said successful bidder furnish a bond with sureties to be approved by said trustees and in an amount to be named by them, for the faithful performance of furnishing said lights according to said specifications, or said trustees may reject all bids.

Bids, trustees to receive.

SECTION 6. On accepting said bid and bond, said trustees shall enter into a contract with said successful bidder for the furnishing of said lights according to said specifications, and said contract shall not be for a longer term than ten years; and the expense of maintaining said lights and the expense of these proceedings, shall be paid from a fund to be raised by a levy as hereinafter directed upon all the lots and lands situated in said district.

SECTION 7. At any time during the term of said contract, but not oftener than once in each year unless mutually satisfactory to both parties to the contract, said trustees

Increase in number of lights.

may increase the number of lights to be maintained under said contract, at not more than the same price per light; and the contract hereinbefore mentioned shall provide for such change in number of said lights.

SECTION 8. Said trustees shall also have the power to employ inspectors at such times as they deem proper to test said lights and determine whether the same comply with the specifications in said contract; and the compensation for said inspectors shall be paid from the fund herein provided for.

SECTION 9. The said board of trustees shall certify to the county auditor the boundaries of said district, and the auditor shall thereupon certify to said board the amount of the assessed valuation of the lots and lands in said district, and for that purpose shall apportion the valuation of any tract of land lying partly within and partly without said district. And thereupon the trustees shall make, and thereafter annually make, a levy of such rate as is necessary to raise a fund sufficient to pay such maintenance and expenses for one year, as nearly as practicable. And the amount so raised shall be a continuing fund from year to year, and the levy shall be varied to make the receipts and disbursements of said fund equal as nearly as may be. And such levy shall be certified to the auditor and by him placed upon the tax list and duplicate against all lots and lands in said district.

Annual levy.

SECTION 10. All officers shall receive for services performed under this act the same fees as allowed for other similar services.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
238G.

[House Bill No. 1268.]

AN ACT

To revise and consolidate the laws relating to the appointment, powers and duties of the state board of health, the state board of medical registration and examination, the Ohio board of pharmacy and the state board of embalming examiners.

Be it enacted by the General Assembly of the State of Ohio:

STATE BOARD OF HEALTH.

State board of health, appointment of.

SECTION 1. There shall be a state board of health, consisting of eight members, seven of whom shall be ap-

pointed by the governor. Each year the governor, with the advice and consent of the senate, shall appoint a member of the board, who shall serve for a term of seven years from the thirteenth day of December. The attorney-general shall be ex-officio a member of the board. (83 v. 77 § 1.)

SECTION 2. The state board of health shall meet in Columbus during the month of January of each year and at such other times as it may direct. A majority of its members shall constitute a quorum. The board shall choose one of its members as president, and, subject to the provisions of this act, may adopt rules and by-laws for its government. (94 v. 46 § 6.)

SECTION 3. The state board of health shall elect a secretary who shall perform the duties prescribed by the board and the provisions of this act. He may be removed from office for cause by the vote of a majority of the members of the board. The necessary traveling and other expenses incurred by the secretary in the performance of his official duties shall be paid by the state on the warrant of the auditor of state upon the certificate of the president of the board. (90 v. 95 § 7.)

Compensation of members of board.

SECTION 4. Each member of the state board of health shall receive five dollars for each day employed in the discharge of his official duties, and his necessary traveling and other expenses while engaged in the business of the board. The president of the board shall certify the amount of compensation and expenses due each member, and on presentation of a certificate therefor the auditor of state shall draw his warrant on the treasurer of state for the amount certified. (90 v. 95 § 7.)

SECTION 5. Suitable rooms for the meetings of the state board of health and the office of its secretary shall be provided by the state. (83 v. 79 § 10.)

Quarantine.

SECTION 6. The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine, which it may declare and enforce, when none exists, and modify, relax or abolish, when it has been established. It may make special or standing orders or regulations for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as it deems best to control by a general rule. It may make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by law. In such cases the necessary expense incurred shall be paid by the city, village or township for which the services are rendered (90 v. 94 § 2.)

Rules, how enforced.

SECTION 7. Local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables and other officers and employes of the

state or any county, city or township, shall enforce the quarantine and sanitary rules and regulations adopted by the state board of health. (90 v. 94 § 2.)

SECTION 8. The state board of health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities and employments, the personal and business habits of the people and the relation of the diseases of man and beast, shall be subjects of careful study by the board. It may make and execute orders necessary to protect the people against diseases of lower animals, and shall collect and preserve information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. When called upon by the state or local governments, or municipal or township boards of health it shall promptly investigate and report upon the water supply, sewerage, disposal of excreta of any locality and the heating, plumbing and ventilation of a public building. (90 v. 94 § 2.)

Investigations, as to water supply, etc.

SECTION 9. No city, village, public institution, corporation or person shall provide or install for public use, a water supply or sewerage system, or purification works for a water supply or sewage, of a municipal corporation or public institution, or make a change in the water supply, water works intake, water purification works of a municipal corporation or public institution, until the plans therefor have been submitted to and approved by the state board of health. No city, village, corporation or person shall establish a garbage disposal or manufacturing plant having a liquid waste which may enter any stream within twenty miles above the intake of a public water supply until the location of such garbage or manufacturing plant, including plans for disposing of such liquid waste, is approved by the state board of health. Whoever violates any provision of this section shall be fined not less than one hundred nor more than five hundred dollars. (90 v. 94 § 2.)

Plans for garbage disposal plant, etc., approval of.

SECTION 10. The state board of health shall have supervision of the state system of registration of births and deaths. It shall prescribe such forms consistent with the provisions of law, for their collection and registration as it deems necessary, and furnish copies of such forms to the auditor and probate judge of each county. It shall recommend such legislation as it deems necessary for the thorough registration of vital and mortality statistics throughout the state. The secretary of the board shall be the superintendent of such registration. (93 v. 259 § 3.)

Vital statistics.

SECTION 11. The state board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders and such other dis-

eases as it deems necessary, and for the examination of food suspected to be the cause of disease. The board shall examine and report each year the condition of all public water supplies. (93 v. 259 § 3.)

Annual report on public water supplies.

SECTION 12. The secretary of the state board of health shall have charge of the laboratory authorized by the next preceding section. The board may employ an assistant for the laboratory who shall be a person skilled in chemistry and bacteriology, and receive for his services such compensation as the board may allow. All expenses of such laboratory shall be paid from appropriations made for the board. (93 v. 259 § 3.)

SECTION 13. Boards of health, health authorities or officials, and physicians in localities where there are no health authorities or officials, shall report to the state board of health promptly upon the discovery thereof, the existence of any one of the following diseases: asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, membranous croup, typhus or typhoid fever, and such other contagious or infectious diseases as the state board specifies. (R. S. Sec. 409-28.)

Report as to contagious or infectious diseases.

SECTION 14. When a contagious or infectious disease becomes or threatens to become epidemic in a city, village or township, and the local authorities neglect or refuse to enforce efficient measures for its prevention, the state board of health or its secretary, on the order of its president, may appoint a medical or sanitary officer and such assistants as he may require, and authorize him to enforce such orders or regulations as the board or its secretary deems necessary. (R. S. Sec. 409-28.)

SECTION 15. The state board of health may make provision for annual conferences of health officers and representatives of local boards of health for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in the place of a board of health shall appoint a delegate to such annual conferences. The city, village or township shall pay the necessary expenses of such delegate upon the presentation of a certificate from the secretary of the state board that the delegate attended the sessions of such conferences. (98 v. 205.)

Annual conferences.

SECTION 16. The state board of health may provide for one annual conference of representatives of city boards of health, another for representatives of village boards of health, and one or more for representatives of township boards of health, or make such other division of conferences as it deems best. No conference shall continue in session longer than three consecutive days, and no board of health shall be required or authorized to send a delegate to more than one conference in any year. (98 v. 205.)

SECTION 17. All prosecutions and proceedings by the state board of health for the violation of any provision

Prosecutions, institution of.

herein relating to such board or other laws which the board is required to enforce, or for the violation of any of the orders or regulations of the board, shall be instituted by its secretary on the order of the president of the board. The laws prescribing the modes of procedure, courts, practice, penalties or judgments applicable to local boards of health, shall apply to the state board of health and the violation of its laws and orders. All fines or judgments collected by the board shall be paid into the state treasury. (R. S. Sec. 409-29.)

Annual report.

SECTION 18. Each year, the state board of health shall make a report to the governor, which must include so much of the proceedings of the board, such information concerning vital statistics and diseases, such instructions on the subject of hygiene for dissemination among the people and such suggestions as to legislation as it deems proper. The board shall include in its annual report a full statement of all examinations made in its chemical and bacteriological laboratory, with a detailed account of all expenses so incurred. (R. S. Sec. 409-32.)

STATE MEDICAL BOARD.

State medical board, appointment of.

SECTION 19. The governor, with the advice and consent of the senate, shall appoint a state medical board consisting of seven members, who shall be physicians in good standing in their profession. One member shall be appointed each year and shall serve for a term of seven years. Schools of practice shall be given representation on the board as nearly as possible in proportion to their numerical strength in the state, but no school shall have a majority of the board. (R. S. Sec. 4403.)

SECTION 20. The state medical board shall organize by the election of a president and a treasurer, who shall be members of the board, and a secretary, who shall be a physician in good standing in his profession. Each of the officers so elected shall serve for a term of one year, and the president and the secretary may administer oaths. (R. S. Sec. 4403.)

Compensation of members of board.

SECTION 21. Each member of the state medical board shall receive ten dollars for each day employed in the discharge of his official duties and his necessary expenses so incurred. (R. S. Sec. 4403.)

SECTION 22. The secretary of the state medical board shall receive an annual salary to be fixed by the board, and his necessary expenses incurred in the performance of his official duties. (R. S. Sec. 4403.)

SECTION 23. The treasurer of the state medical board shall give a bond to the state in the sum of ten thousand dollars with two or more sureties approved by the board conditioned for the faithful discharge of the duties of his office. Such bonds, with the approval of the board and the oath of office indorsed thereon, shall be deposited with the board and kept in its office. (R. S. Sec. 4403.)

SECTION 24. The state medical board shall meet in Columbus on the first Tuesday of January, April, July and October of each year, and at such other times and places as the board may direct. Five members of the board shall constitute a quorum. The board shall have a seal and shall prescribe rules for its government. (R. S. Sec. 4403.)

Quarterly meetings.

SECTION 25. The state medical board shall keep a record of its proceedings. It shall also keep a register of applicants for certificates, showing the name of the applicant, the name and location of the institution granting him the degree of doctor of medicine or surgery, and whether he was granted or refused a certificate. The books and records of the board shall be prima facie evidence of matters therein contained (R. S. Sec. 4403.)

SECTION 26. Each person who desires to practice medicine or surgery shall file with the secretary of the state medical board a written application, under oath, on a form prescribed by the board, and furnish satisfactory proof that he is more than twenty-one years of age and of good moral character. (R. S. Sec. 4403c.)

Application, what to specify.

SECTION 27. The state medical board shall appoint an entrance examiner who shall not be directly or indirectly connected with a medical college and who shall determine the sufficiency of the preliminary education of applicants for admission to the examination. The following preliminary educational credentials shall be sufficient:

Educational credentials, specified.

A diploma from a reputable college granting the degree of A. B., B. S., or equivalent degree;

A diploma from a legally constituted normal school, high school or seminary, issued after four years of study;

A teacher's permanent or life certificate;

A student's certificate of examination for admission to the freshman class of a reputable literary or scientific college.

In the absence of the foregoing qualifications the entrance examiner may examine the applicant in such branches as are required for graduation from a first-class high school of this state, and to pass such examination shall be sufficient qualification. Such examination shall be held simultaneously in Cincinnati, Cleveland, Columbus and Toledo, and the questions submitted shall be uniform in such places. If the entrance examiner finds that the preliminary education of the applicant is sufficient, he shall, upon payment to the treasurer of the state medical board of a fee of two dollars, issue a certificate thereof, which shall be attested by the secretary of the state medical board.

Examinations, where held.

Fee.

The applicant must also produce a certificate issued by the entrance examiner and a diploma from a legally chartered medical institution in the United States, in good standing, as defined by the board, at the time the diploma was issued or a diploma or license approved by the board which conferred the full right to practice all branches of medicine or surgery in a foreign country. (R. S. Sec. 4403c.)

Affidavit, what to specify.

SECTION 28. At the time of his application the applicant shall present such diploma or license, with his affidavit that he is the person named therein and is the lawful possessor thereof, stating his age, residence, the college or colleges at which he obtained his medical education, the time spent in each, the time spent in the study of medicine, and such other facts as the state medical board requires. If engaged in the practice of medicine or surgery, the affidavit shall state the period during which and the place where he has been so engaged. (R. S. Sec. 4403c.)

SECTION 29. If the state medical board finds that the applicant has obtained any one of the credentials necessary for admission to the examination, that his diploma is genuine and granted by a legally chartered medical institution in the United States in good standing as determined by the board, or that his license is genuine and confers upon him full right to practice all branches of medicine or surgery in the foreign country in which he obtained it and of a standard approved by the board, that the person named in the diploma or license is the person holding and presenting it and is of good moral character, the board shall admit such applicant to an examination. (R. S. Sec. 4403c.)

Subjects, enumeration of.

SECTION 30. The examinations of applicants for certificates to practice medicine or surgery shall be conducted in the cities of Cincinnati, Cleveland, Columbus and Toledo, under rules prescribed by the state medical board. Each applicant shall be examined in anatomy, physiology, pathology, chemistry, materia medica and therapeutics, the principles and practice of medicine, diagnosis, surgery, obstetrics and such other subjects as the board requires. The applicant shall be examined in materia medica and therapeutics and principles and practice of medicine of the school of medicine in which he desires to practice, by the member or members of the board representing such school. (R. S. Sec. 4403c.)

Certificate of state medical board, by whom signed.

SECTION 31. If the applicant pass such examination, and has paid the fee required by law, the state medical board shall issue its certificate to that effect, signed by its president and secretary, and attested by its seal. Such certificate when deposited with the probate judge as required by law, shall be conclusive evidence that the person to whom it is issued is entitled to practice medicine or surgery in this state. An affirmative vote of not less than five members of the board is required for the issuance of a certificate. (R. S. Sec. 4403c.)

Refusal to grant certificate.

SECTION 32. The state medical board may refuse to grant a certificate to a person guilty of fraud in passing the examination, or at any time guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery. Upon notice and hearing, the board, by a vote of not less than five members, may revoke a certificate for like cause or causes. (R. S. Sec. 4403c.)

Appeal.

SECTION 33. An appeal may be taken from the action of the state medical board refusing to grant or revoking a certificate, for the causes named in the preceding section, to the governor and attorney-general, whose decision affirming or overruling the action of the state board shall be final. (R. S. Sec. 4403*c*.)

Examination fee, $25.00.

SECTION 34. Each applicant for a certificate to practice medicine or surgery in this state shall pay a fee of twenty-five dollars for an examination. On failure to pass such examination the fee shall not be returned to the applicant, but within a year after such failure he may present himself and be again examined without the payment of an additional fee. All fees for examination shall be paid in advance to the treasurer of the board and by him paid into the state treasury to the credit of a fund for the use of the state medical board. (R. S. Sec. 4403*c*.)

Certificate, recording of, by probate judge.

SECTION 35. Each person who receives a certficate to practice medicine or surgery, before beginning practice, must deposit his certificate with the probate judge of the county in which he resides. The probate judge shall record it in a book kept for that purpose and indorse on the margin of the record and on the certificate the time when he received it for record, and make an index to all certificates by him recorded. The probate judge shall also note the revocation of a certificate, or the death or change of location of the owner of a certificate in the margin of the record. If the owner of a certificate changes his place of residence, he must have such certificate recorded by the probate judge of the county into which he removes. (R. S. Sec. 4403*d*.)

Certified copies.

SECTION 36. Upon application the probate judge shall make a certified copy of a certificate and the indorsements thereon, which certified copy shall be prima facie evidence of the matters and facts therein contained. (R. S. Sec. 4403*d*.)

SECTION 37. For services under the provisions herein relating to the state medical board, the probate judge shall receive from the holder of a certificate the following fees: For recording and indexing each certificate, fifty cents; for certified copies, the same fees as are allowed by law for copies of records kept by him. (R. S. Sec. 4403*d*.)

SECTION 38. During the month of December in each year, the probate judge shall furnish the secretary of the state medical board a list of certificates recorded and in force, of certificates revoked, and of certificates whose owners have removed from the county or died during the preceding year. (R. S. Sec. 4403*d*.)

Examination dispensed with in certain cases.

SECTION 39. The state medical board may dispense with the examination of a physician or surgeon, duly authorized to practice medicine or surgery in another state, a territory or the District of Columbia, who wishes to remove from such state, territory or district and reside and practice his profession in this state, upon his complying with the following conditions:

Such physician or surgeon shall make an application on a form prescribed by the board, pay a fee equal to that which such state, territory or district would require a physician or surgeon of this state removing from this state and residing and practicing his profession in such state, territory or district, and present a certificate or license issued by the medical board thereof; provided the laws of such state, territory or district require of physicians and surgeons practicing therein qualifications of a grade equal to those required of physicians and surgeons practicing in Ohio, and equal rights are accorded by such state, territory or district to physicians and surgeons of Ohio holding a certificate from the state medical board who desire to remove to, reside and practice their profession in such state, territory or district. (R. S. Sec. 4403*c*.)

Midwifery.

SECTION 40. Each person who desires to practice midwifery in this state, and is not authorized by law so to do, shall appear before the state medical board and submit to such examination as the board requires. (R. S. Sec. 4403*e*.)

Examination fee.

SECTION 41. If the applicant passes a satisfactory examination and has paid a fee of ten dollars, the state medical board shall issue its certificate to that effect, which must be deposited with the probate judge of the county in the manner provided for a physician's certificate, and thereupon entitle its holder to practice midwifery in this state. Such certificate may be refused or revoked as in the case of certificates to physicians and surgeons. (R. S. Sec. 4403*e*.)

SECTION 42. No certificate to practice midwifery shall authorize its holder to perform version, treat breech or face presentation, do any obstetric operation requiring instruments, or treat any other abnormal condition, except in emergencies. (R. S. Sec. 4403*e*.)

Words and letters, use of forbidden, without authority.

SECTION 43. A person shall be regarded as practicing medicine, surgery or midwifery, within the meaning of this act, who uses the words or letters, "Dr.", "Doctor," "Professor," "M. D.", "M. B.", or any other title in connection with his name which in any way represents him as engaged in the practice of medicine, surgery or midwifery, in any of its branches, or who examines or diagnoses for a fee or compensation of any kind, or prescribes, advises, recommends, administers or dispenses for a fee or compensation of any kind, direct or indirect, a drug or medicine, appliance, application, operation or treatment of whatever nature for the cure or relief of a wound, fracture or bodily injury, infirmity or disease. The use of any such words, letters or titles in such connection or under such circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine, surgery or midwifery, shall be prima facie evidence of the intent of such person to represent himself as engaged in the practice of medicine, surgery or midwifery. (R. S. Sec. 4403*f*.)

Family remedies.

Exceptions to this act.

SECTION 44. Nothing in this act shall prohibit service in case of emergency, or domestic administration of family remedies. This act shall not apply to a commissioned medical officer of the United States army, navy or marine hospital service in the discharge of his professional duties, or to a regularly qualified dentist when engaged exclusively in the practice of dentistry, or to a physician or surgeon residing in another state or territory who is a legal practitioner of medicine or surgery therein, when in consultation with a regular practitioner of this state; nor shall this act apply to a physician or surgeon residing on the border of a neighboring state and duly authorized under the laws thereof to practice medicine and surgery therein, whose practice extends within the limits of this state; provided equal rights and privileges are accorded by such neighboring state to the physicians and surgeons of Ohio residing on the border of this state contiguous to such neighboring state. Such practitioner shall not open an office or appoint a place to see patients or receive calls within the limits of this state. (R. S. Sec. 4403*f*.)

Osteopathy, who may practice.

SECTION 45. The provisions of this act shall not apply to an osteopath who passes an examination before the state medical board in the subjects of anatomy, physiology, obstetrics and diagnosis in the manner required by the board, receives a certificate from such board, and deposits it with the probate judge as required by law in the case of other certificates. Such certificate shall authorize the holder thereof to practice osteopathy in the state, but shall not permit him to prescribe or administer drugs, or to perform major surgery. (R. S. Sec. 4403*f*.)

Examination fee, $25.00.

SECTION 46. Before he shall be admitted to an examination before the state medical board a person who desires to practice osteopathy shall pay a fee of twenty-five dollars to its treasurer and file with its secretary such evidence of preliminary education as is required by law of applicants for examination to practice medicine or surgery, together with a certificate from an osteopathic examining committee as hereafter provided, showing that the applicant holds a diploma or a physician's osteopathic certificate from a reputable college of osteopathy as determined by such committee, and that he has passed an examination in a manner satisfactory to the committee in the subjects of pathology, physiological chemistry, gynecology, minor surgery, osteopathic diagnosis, and the principles and practice of osteopathy. (R. S. Sec. 4403*f*.)

Subjects of examination enumerated.

State osteopathic examining committee, appointment of.

SECTION 47. Upon recommendation of the Ohio osteopathic society, the state medical board shall appoint three persons who shall constitute the state osteopathic examining committee. One member of such committee shall be appointed each year who shall serve for a term of three years. (R. S. Sec. 4403*f*.)

SECTION 48. Each person so appointed shall file with

Certificate of Ohio osteopathic society, filing of.

the state medical board a certificate of the Ohio osteopathic society that he is a graduate of a reputable college of osteopathy, that he has been engaged in the practice of osteopathy in this state for at least one year, that he is of good moral character, and is in good standing in his profession. (R. S. Sec. 4403*f*.)

SECTION 49. Upon recommendation of the osteopathic committee and the payment by the applicant of a fee of fifty dollars, the state medical board may issue a certificate without examination to a graduate of a reputable school of osteopathy, who is of good moral character, and has been engaged in the practice of osteopathy in any other state for at least five years. (R. S. Sec. 4403*f*.)

SECTION 50. The osteopathic examining committee shall meet at the office of the state medical board for action on applications for osteopathic certificates at such time as the board directs; but the committee shall take no part in the deliberations of the board. Each member of the committee shall receive the same compensation as a member of the state board, payable as provided in such case. (R. S. Sec. 4403*f*.)

Compensation of osteopathic examining committee.

SECTION 51. The compensation and expenses of the members and officers of the state medical board, and the necessary expenses of the board shall be paid from a fund in the state treasury for the use of the board, upon the warrant of the auditor of state, issued upon vouchers signed by the president and secretary of the board. (R. S. Sec. 4403*c*.)

Practicing medicine or surgery, without certifiate.

Penalty.

SECTION 52. Whoever practices medicine or surgery in any of its branches in this state before he obtains a certificate from the state medical board in the manner required by law, or whoever so practices medicine or surgery after such certificate has been duly revoked, shall be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not less than thirty days nor more than one year, or both. (R. S. Secs. 4403*c*, 4403*g*.)

Practicing midwifery, without certificate.

Penalty.

SECTION 53. Whoever practices midwifery in this state without first obtaining a certificate from the state medical board, or other competent authority authorizing her so to do, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (R. S. Sec. 4403*g*.)

Practicing osteopathy, without authority.

Penalty.

SECTION 54. Whoever announces or advertises himself as an osteopath, or practices as such, without complying with all the provisions of law relating to the practice of osteopathy, shall be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not less than thirty days nor more than one year, or both. (R. S. Sec. 4403*f*.)

Filing false certificate or affidavit, etc.

SECTION 55. Whoever files, or attempts to file, as his own, the medical diploma or certificate to practice of another, or files or attempts to file a false or forged affidavit of his identity, or wilfully swears falsely in answer to a question asked him on his medical examination or to an

affidavit required to be made or filed by him with the state medical board, shall be imprisoned in the penitentiary not less than one year nor more than five years. (R. S. Sec. 4403*g*.) Penalty.

SECTION 56. All fines collected under the last four preceding sections shall be paid to the state medical board. (R. S. Sec. 4403*g*.)

Issue of fraudulent certificates.

SECTION 57. Whoever makes, issues, publishes or causes to be made, issued or published, for the purpose of sale, barter or gift, a diploma, certificate or writing representing the holder thereof to be a graduate of a medical school, college or educational institution of medicine, unless such holder has attended a complete course of instruction therein, which is equal to the average course of instruction in other such schools, colleges or institutions in good standing in this state, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the penitentiary not less than one year nor more than three years, or both. (R. S. Sec. 4403*a*.) Penalty.

SECTION 58. Whoever makes, issues or publishes, for the purpose of sale, barter or gift, a certificate, diploma, other writing or document falsely representing the holder or receiver thereof to be a graduate of a medical school, college or educational institution of medicine and entitled to the powers, privileges, or degrees thereby pretended to be conferred; or sells or otherwise disposes of, or offers to sell or dispose of such diploma, certificate, writing or document containing such false representation; or uses his name, or permits it to be used, as a subscriber to such false and fictitious diploma, certificate, writing or document; or engages in the practice of medicine and surgery under and by virtue of such fraudulent diploma, certificate, writing or document, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned in the penitentiary not less than one year nor more than three years, or both. (R. S. Sec. 4403*b*.) Penalty.

SECTION 59. The secretary of the state medical board shall enforce the provisions of law relating to the practice of medicine, surgery or midwifery in this state. If he has knowledge or notice of a violation of such law he shall investigate the matter, and upon probable cause and hearing file a complaint and prosecute the offender. When requested by the secretary, the prosecuting attorney of the proper county shall take charge of and conduct such prosecution. (R. S. Sec. 4403*g*.)

STATE BOARD OF PHARMACY.

State board of pharmacy, appointment of.

SECTION 60. There shall be a state board of pharmacy, consisting of five members, who shall be appointed by the governor with the advice and consent of the senate. The Ohio state pharmaceutical association may annually submit to the governor the names of five registered pharmacists, and from the names so submitted or from others, at his dis-

cretion, the governor each year shall appoint one member of the board for a term of five years and until his successor is appointed and qualified. (R. S. Sec. 4406.)

SECTION 61. The state board of pharmacy shall organize by electing a president and a treasurer who shall be members of the board, and a secretary who shall be a registered pharmacist in good standing in his profession. Each of the officers so elected shall serve for a term of one year. The secretary shall receive a salary to be fixed by the board, and his necessary expenses incurred in the performance of his official duties. The members of the board shall receive the sum of five dollars for each day employed in the discharge of their official duties and their necessary expenses while engaged therein. (R. S. Sec. 4406.)

Compensation of members of board.

SECTION 62. The treasurer of the state board of pharmacy shall give a bond to the state in the sum of one thousand dollars, with two or more sureties approved by the board, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the board indorsed thereon shall be deposited with the secretary of the board. (R. S. Sec. 4406.)

Meetings, when held.

SECTION 63. The state board of pharmacy shall meet on the second Tuesday of January, May and October in each year at such places as it determines, and it may hold such additional meetings as it deems necessary. The board shall have a seal and prescribe such rules for its own government as it deems proper. (R. S. Sec. 4406.)

SECTION 64. The state board of pharmacy shall keep a record of its proceedings and a register of all persons to whom certificates have been granted as pharmacists or assistant pharmacists, together with each renewal or revocation of a certificate. The books and registers of the board shall be prima facie evidence of the matters therein recorded. The president and secretary of the board may administer oaths. (R. S. Sec. 4406.)

SECTION 65. A person desiring to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the state board of pharmacy a verified application giving his age, place or places at which he studied or practiced pharmacy and the time spent in such study or practice, and appear before the board and take an examination in the following subjects: Chemistry, botany, materia medica, toxicology and the theory and practice of pharmacy. (R. S. Sec. 4408.)

Application, what to specify.

Subjects, enumerated.

SECTION 66. An applicant for a certificate as a pharmacist shall be twenty-one years of age and have four years' practical experience in a drug store where physicians' prescriptions are compounded; but a graduate of a school or college of pharmacy in good standing, as determined by the board, shall be entitled to a deduction, from the requirement of four years' experience, of the time spent in receiving instruction in such school or college of pharmacy. (R. S. Sec. 4408.)

Assistant pharmacist, application of.

SECTION 67. An applicant for a certificate as an assistant pharmacist shall be eighteen years of age and have at least two years' practical experience in a drug store in charge of a registered pharmacist and in which physicians' prescriptions are compounded; but from the requirement of two years' experience, the time spent by such applicant under instruction in a school or college of pharmacy in good standing, as determined by the board, may be deducted. (R. S. Sec. 4408.)

Assistant pharmacist's certificate.

SECTION 68. If the state board of pharmacy is satisfied that the applicant for examination is of the required age, possessed of the practical experience required, and passes a satisfactory examination, it shall issue him a certificate authorizing him to practice the profession of a pharmacist or assistant pharmacist. (R. S. Sec. 4408.)

Foreign certificate, effect of.

SECTION 69. The state board of pharmacy shall register a person as assistant pharmacist without examination and issue him a certificate of such registration if he is legally registered by examination as a pharmacist, and holds a certificate of such registration under the laws of another state. The board may register a person as a pharmacist without examination and issue him a certificate of such registration if he is legally registered as a pharmacist and holds a certificate of such registration under the laws of another state, upon the following conditions: Each applicant for such registration shall be twenty-one years of age and be registered after examination in the state from which he holds a certificate. (R. S. Sec. 4409.)

SECTION 70. The standard of qualification and requirement as to competency in another state shall at least be as thorough as that established by the board of pharmacy of this state. The board shall not recognize certificates of registration granted by another state unless recognition is given to residents of this state holding certificates from its board of pharmacy. (R. S. Sec. 4409.)

Certificate and renewal issued for three years.

SECTION 71. Each certificate and each renewal certificate issued by the state board of pharmacy shall entitle the person to whom it is granted to practice the profession of a pharmacist or assistant pharmacist for three years. The board may refuse to grant a certificate to a person guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy, and, after notice and hearing, may revoke a certificate for like cause or for fraud in procuring it. An appeal may be taken from the action of the state board refusing to grant or revoking a certificate, to the governor and attorney-general, and the decision of these officials, affirming or over-ruling its action, shall be final. (R. S. Sec. 4410.)

SECTION 72. Each person registered as a pharmacist or assistant pharmacist as provided by this act, shall be entitled to practice his profession until the expiration of his certificate of registration. If a registered pharmacist or as-

sistant pharmacist desires to continue the practice of his profession he shall file with the state board of pharmacy an application for a renewal of his certificate within thirty days next preceding its expiration; and if the board finds that the applicant has been duly registered in this state and is entitled thereto, it shall issue him a renewal certificate signed by its president and secretary. The right to obtain such a certificate shall not be denied a person within three years after the expiration of his certificate of registration.

Application for renewal, time for.

If a registered person fails to make application for such renewal within sixty days after the expiration of his certificate, he shall pay the treasurer of the board ten dollars in addition to the fee prescribed for the renewal of a certificate. (R. S. Sec. 4407.)

SECTION 73. If a registered pharmacist or assistant pharmacist fails to make application to the board for a renewal certificate within a period of three years from the expiration of his certificate, he must pass an examination for registration; except that a person, who has been registered under the laws of this state and after the expiration of his registration, has continually practiced pharmacy in another state under a certificate issued by its authority, may obtain a renewal certificate upon payment to the treasurer of the state board of pharmacy of twenty-five dollars in addition to the fee prescribed by law for the renewal of certificates. (R. S. Sec. 4407.)

Display of certificate.

SECTION 74. Each certificate of registration shall be conspicuously exposed in the pharmacy or drug store of which the pharmacist or assistant pharmacist to whom it is issued is the owner or manager, or in charge of or in which he is employed. (R. S. Sec. 4410.)

Fees, specified.

SECTION 75. The state board of pharmacy shall charge and collect the following fees:

For the examination of an applicant for certificate as pharmacist, five dollars;

For the examination of an applicant for a certificate as an assistant pharmacist, three dollars;

For issuing a renewal certificate to a pharmacist, two dollars;

For issuing a renewal certificate to an assistant pharmacist, one dollar;

For issuing a certificate to a pharmacist on presentation of a certificate granted by another state, fifteen dollars;

For issuing a certificate as an assistant pharmacist on presentation of a certificate as a pharmacist granted by another state, ten dollars. The fee paid by an applicant shall not be returned to him if he fails to pass an examination. (R. S. Sec. 4411.)

Disposition of fees.

SECTION 76. All fees required by the previous section shall be paid in advance to the treasurer of the state board of pharmacy, and by him paid into the state treasury each month, to the credit of a fund for the use of the board. The compensation and expenses of the members and officers of the board and all its necessary expenses shall be paid

from this fund upon a requisition signed by the president and secretary of the board, and the warrant of the auditor of state. (R. S. Sec. 4411.)

Drug store, person in charge of, must be registered pharmacist.

SECTION 77. No person not a legally registered pharmacist, shall open or conduct a pharmacy or retail drug or chemical store, either as proprietor or manager thereof unless he has in his employ and places in charge of such pharmacy or store a pharmacist legally registered under the laws of this state. No person not a legally registered pharmacist shall compound, dispense, or sell any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise; but a legally registered assistant pharmacist may compound, dispense or sell any such drug, chemical, poison or pharmaceutical preparation when employed in a pharmacy or drug store under the management and control of a legally registered pharmacist. (R. S. Sec. 4405.)

Violation. Penalty.

SECTION 78. Whoever violates any provision of the next preceding section shall be fined not less than twenty dollars nor more than one hundred dollars. Each day a person violates any such provision shall constitute a separate offense. Prosecutions under this section shall be governed by the provisions of section 3718*a* of the Revised Statutes. (R. S. Sec. 4412.)

Exceptions.

SECTION 79. The preceding two sections shall not apply to the business of a physician or prevent him from supplying his patients with such medicines as to him seems proper; or to the making or vending of patent or proprietary medicines by a retail dealer; or to the selling of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber's salt, cream of tartar, bicarbonate of sodium, quinine, rochelle salts, epsom salts, alum, camphor gum, oil of cinnamon, oil of lemon; or prohibit a person from selling in the original packages paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweets spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles or boxes bearing the label of such pharmacist or a wholesale druggist, with the name of the article and directions for its use on each bottle or box; nor shall such section prohibit a person from selling paris green when put up in bottles or boxes, bearing the name of a legally registered pharmacist or wholesale dealer, and labelled as required by law, or apply to or interfere with the exclusively wholesale business of a dealer. (R. S. Sec. 4405.)

Filing false affidavit, etc.

SECTION 80. Whoever files with the state board of pharmacy a false or forged affidavit, or makes a false statement under oath with intent to secure for himself or another, a certificate of registration, or a renewal thereof, shall

Penalty.

be imprisoned in the penitentiary not less than one year nor more than three years. (R. S. Sec. 4412.)

Failure to display certificate.

SECTION 81. Whoever, being a registered pharmacist or assistant pharmacist, fails to display in a conspicuous place his certificate of registration as required by law, shall

Penalty.

be fined not less than five dollars nor more than twenty dollars, and each day's violation of this section shall constitute a separate offense. (R. S. Sec. 4412.)

SECTION 82. The secretary of the state board of pharmacy shall enforce the laws relating to the practice of pharmacy. If he has information that any provision of law has been violated, he shall investigate the matter, and, upon probable cause and hearing, file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the state board of pharmacy shall be paid to the treasurer thereof, and by him paid into the state treasury each month to the credit of the fund for the use of the board. (R. S. Sec. 4412.)

STATE BOARD OF EMBALMING EXAMINERS.

State board of embalming examiners, appointment of.

SECTION 83. There shall be a state board of embalming examiners consisting of the president and secretary of the state board of health, and three persons appointed by the governor. The persons so appointed shall be practical embalmers with at least five years' experience in the practice of embalming and the preparation and disposal of the dead in this state. (95 v. 333 §§ 1, 2.)

SECTION 84. Each year the governor shall appoint one member of the state board of embalming examiners, who shall serve for a term of three years from the first day of July following his appointment. The person appointed shall be selected from three names nominated by the funeral directors and embalmers associations of Ohio. If such nominations are not made on or before June fifteenth of each year, the governor shall appoint a suitable person to fill a vacancy occasioned by the expiration of the term of a member. (95 v. 333 § 2.)

SECTION 85. The governor may remove an appointed member of the state board of embalming examiners for neglect of duty, incompetency or immoral conduct. In filling

Vacancy, how filled.

a vacancy caused by a death, resignation or removal from office, the governor shall appoint a competent person to fill the unexpired term. (95 v. 333 § 2.)

SECTION 86. The state board of embalming examiners shall meet at least once each year at such time and place as it directs, but at least fifteen days notice thereof shall be

Organization of board.

given. It shall organize by the election of a president and a secretary from its members. The president shall serve for a term of one year and until his successor is elected and qualified. The secretary shall serve during the pleasure of the board, and shall perform the duties of secretary and treasurer. The board may adopt such rules and by-laws

for its government as it deems proper; but three members of the board shall constitute a quorum. The president, or in his absence a president pro tem. is authorized to administer oaths. (95 v. 334 §§ 3, 4.)

Compensation of examiners.

SECTION 87. Each appointed member of the state board of embalming examiners, except the secretary, shall receive ten dollars for each day of actual service during the meetings of the board, and mileage at the rate of three cents for each mile of travel in attendance upon such meetings. The secretary shall receive such salary as the board directs, and his necessary traveling expenses incurred in the discharge of his official duties. Salaries, mileage and other expenses of the board, shall be paid from fees received under the provisions of this act relating to the state board of embalming examiners. (95 v. 335 § 5.)

SECTION 88. The secretary of the state board of embalming examiners shall give a bond to the state in such sum as the board directs, with two or more sureties approved by it, conditioned for the faithful discharge of the duties of his office. Such bond with the oath of office and the approval of the board indorsed thereon shall be deposited with the president of the board. (95 v. 335 § 5.)

SECTION 89. For use in the examination of persons who desire to engage in the practice of embalming and the preparation and disposal of the dead in this state, the state board of embalming examiners shall prepare a list of questions on the following subjects:

Subjects enumerated.

(a) Visceral anatomy and vascular system of the human body.

(b) The action and comparative value of germicides.

(c) The methods of embalming and of preparing bodies for transportation.

(d) The meaning of "contagion," "infection," the dangers they beget, and the best methods of their restriction and arrest, and bacteriology in relation to contagion and infection.

(e) The signs of death and the manner in which they are determined.

(f) Practical demonstrations on a cadaver. (95 v. 334 §§ 3, 6.)

Application.

SECTION 90. A person desiring to engage in the practice of embalming or in the preparation of the dead for interment, cremation or transportation, shall make an application in writing to the secretary of the state board of embalming examiners for a license and pay a license fee of five dollars. Such applicant shall also appear before the board and pass an examination on the subjects named in the preceding section. (95 v. 335 § 6.)

License, where registered.

SECTION 91. If the state board of embalming examiners finds that the applicant possesses a good moral character and has passed a satisfactory examination in such subjects, it shall register such applicant as a duly licensed embalmer. The license shall be signed by the president and secretary of the board and attested by its seal. The

person to whom a license is issued shall register it with the board of health of the city, village or township in which he proposes to practice. He shall also display such license in a conspicuous place in his office and annually thereafter on or before the date fixed by the state board of health pay to the secretary thereof one dollar for its renewal. (95 v. 335 § 6.)

Contagious or infectious diseases.

SECTION 92. No person shall embalm, either by arterial or cavity treatment, or prepare for burial, cremation or transportation, the body of a person dead from a contagious or infectious disease, unless he is a duly licensed embalmer within the meaning of this act. (95 v. 336 § 7.)

Practicing embalming without authority.

Penalty.

SECTION 93. Whoever practices or holds himself out as practicing the science of embalming, either by arterial or cavity treatment, upon the body of a person dead of an infectious or contagious disease, or prepares for burial, cremation or transportation, the body of a person dead of an infectious or contagious disease, without having complied with the provisions of this act, shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense, and for each subsequent offense not less than fifty dollars nor more than one hundred dollars, or be imprisoned six months, or both. (95 v. 336 § 8.)

Embalmer's license, what to state.

SECTION 94. An embalmer's license issued under the provisions of this act shall state the number of the license, the name and address of the person to whom it is issued, and shall not be transferable. (95 v. 336 § 9.)

SECTION 95. No provision herein relating to the state board of embalming examiners shall apply to or interfere with the duties of an officer of a local or state institution, except as herein provided, nor shall any such provision apply to a person engaged only in furnishing burial receptacles. (95 v. 336 § 10.)

SECTION 96. No provision of this act shall prevent a funeral director or other person from conducting the funeral or disposing of the body of a person dead of a contagious or infectious disease after it has been prepared by a licensed embalmer as provided herein, or from conducting the funeral or embalming or preparing the body of a person dead from a disease not contagious or infectious. The state board of health shall determine what diseases are contagious or infectious within the meaning of this act. (95 v. 336 § 11.)

Contagious or infectious diseases, who to determine.

SECTION 97. On or before the first Monday in June of each year, the state board of embalming examiners shall make a report to the governor containing a detailed statement of the receipts and expenditures of the board. (95 v. 335 § 5.)

SECTION 98. No change herein made in the name of an office or board existing when this act takes effect, shall create or constitute a new office or board. The incumbents of offices when this act takes effect, the duties of which are herein defined, or the filling of which is herein provided for, shall hold their respective offices for the full term for

which they were severally elected or appointed as if this act had not been passed. A reference in any law to a section of "The Revised Statutes of Ohio," act of the general assembly or part thereof, herein repealed, shall be deemed to refer to the provisions herein incorporated, of such section, act or part thereof. (Codifying Commission.)

SECTION 99. This act shall take effect on the first day of July, 1908, and the following sections of the Revised Statutes and acts and parts of acts are hereby repealed: This act takes effect July 1, 1908.

Sections 1, 9 and 10 of the act of April 14, 1886, entitled "an act to create and establish a state board of health in the state of Ohio," 83 v. 77, known as (409-24), (409-33), (409-34), Bates' statutes;

Sections 2 and 7 of the act of March 14, 1893, entitled "an act to amend and supplement certain sections of the Revised Statutes relating to the powers and duties of the state and local boards of health," 90 v. 94, known as (409-25), (409-31) Bates' statutes;

The act of April 27, 1896, entitled "An act to supplement section two of an act to establish a state board of health, etc.," 92 v. 759, known as (409-26) Bates' statutes;

Section 3 of the act of April 25, 1898, entitled "An act to amend sections 3 and 4 of an act to create and establish a state board of health, etc.," 93 v. 259, known as (409-27) Bates' statutes;

Sections 409-28, 409-29, 409-32;

The act of March 21, 1900, entitled "an act to amend section 6 of an act entitled an act to create a state board of health, etc.," 94 v. 46, known as (409-30) Bates' statutes;

The act of April 2, 1906, entitled "an act to provide for annual conferences of health officers," 98 v. 205, known as (409-34*a*) Bates' statutes;

Sections 4403, 4403*a*, 4403*b*, 4403*c*, 4403*d*, 4403*e*, 4403*f*, 4403*g*, 4405, 4406, 4407, 4408, 4409, 4410, 4411, and 4412;

The act of April 30, 1902, entitled "an act to establish a state board of embalming examiners and to regulate the practice of embalming, etc.," 95 v. 333, known as (4412-11), (4412-12), (4412-13), (4412-14), (4412-15), (4412-16), (4412-17), (4412-18), (4412-19), (4412-20), (4412-21) Bates' statutes.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

239G.

[House Bill No. 1270.]

AN ACT

To amend section 2926*t* of the Revised Statutes relating to the salaries of members and clerk of deputy state supervisors of elections in counties containing registration cities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2926*t* of the Revised Statutes be amended so as to read as follows:

Deputy state supervisors, compensation of.

Clerks, compensation of.

Minimum compensation.

Maximum compensation.

Registrars, compensation of.

Sec. 2926*t*. Each deputy state supervisor in counties containing cities in which registration is required, shall, in addition to the compensation provided in section 4 of the supervisory election law, section (2966-4), receive for his services the sum of five dollars for each election precinct in such city; and the clerk in such counties, in addition to his compensation, so provided, shall receive for his services the sum of six dollars for each election precinct in such city; and the compensation so allowed such officers during any year shall be determined by the number of precincts in such city at the November election of the next preceding year. Provided that the compensation paid to each of said deputy state supervisors under this section shall in no case be less than one hundred dollars per annum, and that the compensation paid to the clerk under this section shall in no case be less than one hundred and twenty-five dollars per annum; and provided, further, that in such counties the whole amount of annual compensation paid to each deputy state supervisor and clerk under this section and under section 4 of the supervisory election law, section (2966-4) shall not exceed, in any one year, the following: In counties containing cities having a population of three hundred thousand or more, as ascertained in the manner provided in section 2926*a*, each deputy state supervisor, eighteen hundred dollars, and the clerk, twenty-five hundred dollars; in counties containing cities having a population of seventy-five thousand and less than three hundred thousand, each deputy state supervisor, fifteen hundred dollars and the clerk, two thousand dollars; in counties containing cities having a population of fifty thousand and less than seventy-five thousand, each deputy state supervisor, seven hundred fifty dollars, and the clerk, nine hundred dollars; in counties containing cities having a population of twenty-five thousand and less than fifty thousand, each deputy state supervisor, six hundred and fifty dollars, and the clerk, eight hundred and fifty dollars; in all other counties containing such registration cities, each deputy state supervisor, three hundred dollars, and the clerk, four hundred dollars. The additional compensation provided by this section shall be paid monthly from the city treasury, on warrants drawn by the city auditor upon vouchers signed by the chief deputy and clerk of the board. The registrars of each election precinct shall be allowed and paid four

dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. In cities containing a population of thirty thousand or more, the judges of election, including the registrars as judges, and the clerks of election, shall each be allowed and paid five dollars for each election at which they serve, and no more either from the city or county, and in other cities they shall each be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of deputy state supervisors made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the chief deputy and clerk of the board to the city or county auditor. But for all November elections held in even numbered years the county in which such city is located shall pay the general expenses of such election other than the expenses of registration; and such allowance and order for such expenses and compensation to such judges and clerk shall be signed by the chief deputy and clerk of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amounts.

Judges and clerks of elections, compensation of.

Expenses, payment of.

SECTION 2. That section 2926*t* of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
240G.

[House Bill No. 1275.]

AN ACT

To provide for the inspection of oils, gasoline and naphtha.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The governor, by and with the advice and consent of the senate, shall appoint a state inspector of oils, who shall hold his office for the term of two years from the fifteenth day of May of each even numbered year, and until his successor is appointed and qualified; provided, however, that the first appointment of a state inspector of oils under this act shall be for a term of two years com-

State inspector of oils, appointment of.

mencing May 15th, 1908. The state of Ohio shall furnish a suitable office for the state inspector of oils. No person shall be appointed to the office of state inspector of oils who is interested in manufacturing, dealing or vending any illuminating oils or products of petroleum.

Bond, amount of.

SECTION 2. Before entering upon the discharge of the duties of his office the state inspector of oils shall take an oath of office and also execute and deliver a bond to the state in the sum of twenty thousand dollars with sureties to be approved by the secretary of state conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the secretary of state and the oath of office endorsed thereon, shall be deposited with the secretary of state and kept in his office.

Deputy inspectors, appointment of.

SECTION 3. The state inspector of oils shall appoint a suitable number of deputy inspectors of oils, who shall have the same qualifications as the inspector and who shall be empowered to perform the duties of inspection, and be liable to the same penalties as the state inspector of oils.

Salary of state inspector.

SECTION 4. The deputy inspectors, before entering upon the discharge of the duties of office, shall each execute a bond to the state in the sum of five hundred dollars with sureties to be approved by the judge of probate court of the county where the deputy is located and file the same with the clerk of the common pleas in the county where he resides.

SECTION 5. The state inspector of oils shall receive an annual salary of thirty-five hundred dollars ($3,500.00), which shall be in full for all services performed under this act, payable monthly, together with an annual allowance of six hundred dollars ($600.00) for traveling expenses and seven hundred and twenty dollars ($720.00) for stenographer, payable monthly, to be paid out of the moneys received by him under this act.

Traveling expenses, etc.

Compensation of deputy inspectors.

SECTION 6. Each deputy inspector shall receive for such inspections as he may be called upon to make under the provisions of this act a fee of three cents for each and every barrel of oil of fifty gallons which he shall so inspect, payable out of the fees collected as provided in section seven hereof, and not otherwise; provided, that no deputy inspector shall receive more than twelve hundred dollars ($1,200.00) in any year.

Fees, specified.

SECTION 7. Each and every owner of oil which is inspected shall pay the state inspector or the deputy inspector who inspected the same fees therefor as follows: The sum of fifty cents for a single barrel, package or cask; the sum of thirty cents for each barrel when the lot inspected does not exceed ten barrels of fifty gallons each in the aggregate; the sum of twenty cents each when the lot inspected does not exceed fifty barrels of fifty gallons each in the aggregate, and the sum of seven cents each for all lots exceeding fifty barrels of fifty gallons each in the aggregate, and all fees accruing shall be a lien on the oil so inspected; every state inspector of oils and every deputy

inspector of oils shall keep a true and accurate record of all oils so inspected, which record shall state the date of inspection, number of barrels and the name of the person for whom inspected, and such records shall be open to the examination of any and all persons interested. All fees for inspection under this act shall be due and payable on formal demand of the state inspector of oils, and in no case shall payment be deferred beyond the tenth day of the next calendar month after such inspections are made.

Record, what to state.

SECTION 8. Each deputy inspector shall make on the first day of each calendar month, a true and accurate return to the state inspector of oils and all such inspections for the preceding month, giving the quantity inspected, the date of the inspection and the name of the person for whom it was inspected, and shall file a duplicate copy of such return at the same time with the auditor of state.

Monthly report of deputy inspectors.

SECTION 9. The state inspector of oils shall pay into the state treasury, quarterly, all moneys received by him under this act after first paying therefrom all money due him or said deputy inspectors and all expenses incident to the proper conduct of his office under the provisions of this act to that date. The state inspector of oils shall make at least one official visit each year to each deputy inspector. On the second Monday of each year he shall make and deliver to the governor a record of the inspections by himself and deputies during the preceding calendar year of the receipts and expenditures of his department.

Quarterly settlement.

Annual statement to the governor.

SECTION 10. All mineral or petroleum oil, or any fluid or substance which is a product of the petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured within this state or not, shall be inspected, as provided in this chapter, before being offered for sale to a consumer for consumption for illuminating purposes within the state; and such inspection shall be made by the use of an apparatus known as the "Foster Cup" or Foster's automatic oil tester, and according to the following directions for using the same:

"Foster cup," directions for using same.

(1) Remove the thermometer with its mountings from the oil cup.

(2) Lift off the oil cup containing the flashing-taper, and fill the open water-bath with water to the mark upon the inside.

(3) Now take out of the wick-holder from the oil cup, and fill this vessel with the oil to be tested—pouring in the oil at the place of the wick-holder and noting the gauge-mark at the thermometer hole—pour in the oil very gradually as the surface approaches the gauge mark. The gauge marks consist of a small pendant shelf, and the oil cup is properly filled when the upper surface of the oil just adheres to the lower surface of the gauge mark. Too much care cannot be taken at this point; therefore, having ceased pouring, tip the cup so that the oil flows away from

the gauge; and then gradually restoring it to the horizontal, see that the surface again adheres, and add a little more oil if it does not.

(4) See that the wick of the flashing-taper be adjusted to give a very small flame—a flame that does not exceed one-quarter of an inch in height. A flame that exhibits as much blue at its base as yellow at its top is right.

(5) Now set the oil cup on top and into the water-bath; return the flashing-taper to its place, inverting the conical thimble around it, and return the thermometer to its place upon the cup; in doing this be sure that the casing of the latter is pushed down upon the cup as far as it will go.

(6) Fill the lamp beneath half full of alcohol, light it and put it in its place beneath the water-bath. Now note the rate of increase in temperature as shown by the thermometer, and adjust the wick to raise the temperature at the rate of two degrees per minute. When the temperature has reached 100 degrees, light the flashing-taper and observe it closely. As soon as the oil under test has reached its "flashing point," the flame of this taper will be extinguished by the first "flash," and the point of attention is to note the temperature at the instant the flame of the taper is extinguished. This "flashing point" is the point of temperature at which the oil generates vapor.

"Flashing point."

Illuminating oils, flash test limit.

It shall be lawful to sell, for illuminating purposes, any oil herein described to be consumed within the state, which bears a flash test of 120° Fahrenheit, as shown by said apparatus; no oil or other substance which, by said test, flashes at any temperature below 120° Fahrenheit shall be allowed to be sold or offered for sale to a consumer for illuminating purposes in this state.

Instruments, etc., for testing, who to purchase.

SECTION 11. The state inspector of oils and his deputies shall provide themselves at their own expense with the necessary instruments, apparatus, stencils and brands for the testing and marking the flash test of illuminating oils, and when called upon for that purpose to promptly inspect all oils herein mentioned, and to reject for illuminating purposes, for consumption in this state, all oils which, by being adulterated with naphtha, benzine, paraffine or other light oils or other substance, or for any other reason, will not stand and be equal to the test herein prescribed.

Stencils and brands, forms of.

The inspector shall prepare the forms of all stencils and brands provided for in this chapter, and also all general regulations and rules for inspection, not inconsistent with the terms and provisions of this chapter. The inspector and his deputies are required to make the flash test of all mineral or petroleum oils, or any oil, fluid or substance, which is a product of petroleum, or into which petroleum or any product of petroleum enters, or is found a constituent element, which is offered or is intended to be offered for sale to a consumer for illuminating purposes in this state, and if, upon such testing or examination, the

test meets the requirements herein specified, the inspector or his deputies shall affix by stencil or brand on any package, cask or barrel containing the same, the word "approved," with the date of such inspection and his name with his official designation. And it will then be lawful for any manufacturer, vender or dealer to sell the same to be consumed within the state as an illuminator; but if the oil so tested does not meet such requirements he shall mark by stencil or brand, in plain letters, on any package or barrel containing the same, the words "rejected for illuminating purposes," giving the date of such inspection and his name with his official designation; and it shall be unlawful for the owner thereof to sell oil so branded or rejected, to be consumed within the state for illuminating purposes; and if any person sells or offers for sale to a consumer oil so rejected, he shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not more than one thousand dollars, or be imprisoned in the county jail not exceeding twenty days or both.

"Approved," effect of such stamp.

"Rejected for illuminating purposes," effect of such stamp.

Penalty.

SECTION 12. Any oil intended for sale for illuminating purposes within this state, as defined herein, shall be inspected within this state, and, when consigned to a distributing station in tank cars, shall be inspected as provided herein at the refinery where manufactured when such refinery is located in this state or at the distributing station to which it is consigned at the discretion and direction of the state inspector, and when such inspection is made, in the manner herein provided, the inspector or his deputy shall deliver to the owner of any such oil or his agent a certificate of inspection setting forth the car initials and number; the date of inspection and the official signature of the officer making the inspection in addition to the word "approved." When such certificate is issued by the proper officer it shall be attached to the car containing the oil so inspected or delivered to the owner or his agent at the distributing station as directed by the state inspector and not until then may the oil contained in such car be lawfully transferred to a storage or receiving tank from which illuminating oil is distributed to consumers or dealers within this state. Should the oil in tank cars so inspected be rejected as provided herein, a certificate setting forth the car initials and number, the date of inspection and the official signature of the officer making such inspection in addition to the word "rejected" shall be delivered to the owner of the oil or his agent and any person who shall transfer the contents of such car to a storage or receiving tank from which illuminating oil is distributed to consumers or dealers within this state shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not less than one thousand dollars, or be imprisoned in the county jail not exceeding twenty days or both. And all wagons from which oil intended for consumption for illuminating purposes within this state shall be delivered to

Certificate of inspection, delivery of, by inspectors.

Transfer of oil marked "rejected."

Penalty.

consumers or dealers shall bear a certificate which shall be a duplicate, issued by the inspector or his deputy, of the certificate issued covering the contents of the car last emptied into the storage or receiving tank from which such oil was filled without any additional fee. And any driver of such wagon violating this provision shall be deemed guilty of a misdemeanor and shall be subject to a fine of ten dollars for each day of such violation.

Violation, by driver; penalty.

All barrels or packages that may be filled from such storage or receiving tank, which oil is intended for consumption for illuminating purposes within this state, shall be branded by the inspector or his deputy without additional fee, and any person offering such oil for sale to dealers or consumers for illuminating purposes within this state, which does not bear such brand, shall be deemed guilty of a misdemeanor and subjected to a fine of ten dollars.

Sale of unbranded oil; penalty.

Deliveries of oil made from refineries to their local trade, which is not transferred by tank cars to their local storage or receiving tank, but which may be delivered by pipe line or other means than tank cars into such storage or receiving tank, each delivery shall be inspected before the delivery is made into such storage or receiving tank, in precisely the same manner as prescribed herein for the inspection of cars, except that the certificate issued by said inspector or his deputy shall state the date of inspection and the number of barrels instead of the car number and initial, and any violation thereof subject to the same penalties prescribed herein covering the unloading of tank cars and delivery of the oil to consumers for illuminatng purposes within this state, by the person committing the act.

Oils delivered by pipe lines, etc., inspection of.

Nothing contained in this chapter shall be so construed as to require the inspection of miners' lamp oil; nor the inspection of fuel oil for fuel purposes under boilers for generating steam, furnaces or retorts, in lieu of other fuel, in manufacturing plants; nor the inspection of gas making material when sold to gas works for the manufacture of gas.

Exceptions.

SECTION 13. All gasoline, petroleum-ether or similar or like substances, having a lower flash test than provided herein for illuminating oils, under whatever name called, whether manufactured within this state or not, shall be inspected by the state inspector of oils or his deputies, who shall affix by stamp or stencil to the package containing such substance a printed inscription containing the commercial name of such substance; the word "dangerous," the date of the inspection and the name and official designation of the officer making the inspection; and the state inspector of oils or his deputies shall be entitled to fees for said inspection in a sum equal to those provided for in section 7 of this act, for the inspection provided for in section 10 of this act, which fee shall be paid into the state treasury as provided by section 9 of this act, and said fees shall be a lien on the gasoline, petroleum-ether or similar substances inspected. And the deputy inspectors shall be

Gasoline, etc., inspection of.

"Dangerous," stamped upon gasoline, etc.

compensated in fees for such inspections as provided in section 6 of this act and make returns of such inspections as provided in section 8 of this act. And any person, persons, or agent or any person or persons, selling or offering for sale any gasoline, petroleum-ether or similar or like substances not stamped, as in this act provided, shall be deemed guilty of a misdemeanor, and shall be subject to a penalty of not more than one thousand dollars or be imprisoned in the county jail not exceeding twenty days, or both. The provisions of this chapter relating to the inspection of oil intended to be sold or offered for sale for illuminating purposes in this state which is shipped to distributing stations in tank cars shall be construed by the inspector of oils as governing, so far as practical, similar shipments of gasoline, petroleum-ether or similar or like substances.

Sale of unstamped gasoline, etc.; penalty.

SECTION 14. To effectually carry out the provisions of this act it shall be lawful for any state inspector or his deputies to enter into or upon the premises of any manufacturer, vender or dealer in any of said oils or fluids hereinbefore mentioned, for the purpose of enforcing the same, and to demand and require from any person or persons selling oils for illuminating purposes within this state a statement covering any period desired, showing the total number of barrels sold by such person or persons.

Enforcement of this act; powers of inspectors.

SECTION 15. That sections 394, 395 and 396 of the Revised Statutes are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
241G.

[House Bill No. 1274.]

AN ACT

To authorize school boards to levy tax to support universities and colleges located in village school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the school board of any village school district in which is located a university or college, organized under the laws of the state of Ohio as an institution of learning not for profit, and under the management of a board of trustees, may levy a tax not exceeding two mills annually, in addition to all tax authorized by law

Tax levy, for support of municipal university.

for all other purposes, upon all taxable property within such village district for the support of such university or college.

SECTION 2. Provided, that in the event such levy is made by such board of education, all holders of a high school diploma obtained from such village district high school shall have the right to attend such university or college for the period of two years, free of tuition.

SECTION 3. The funds arising from such tax levy shall be turned over to the board of trustees of such university or college by the county treasurer to be expended by them in the conduct of such university or college and for no other purpose.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
242G.

[House Bill No. 1279.]

AN ACT

To amend section 2834*b* of the Revised Statutes relating to restrictions as to contracts, agreements, obligations, appropriations and expenditures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2834*b* of the Revised Statutes be amended so as to read as follows:

Sec. 2834*b*. The commissioners of any county, the trustees of any township and the board of education of any school district, shall enter into no contract, agreement or obligation involving the expenditure of money, nor shall any resolution or order for the appropriation or expenditure of money be passed by any board of county commissioners, township trustees or board of education, unless the auditor or the clerk thereof shall first certify that the money required for the payment of such obligation or appropriation is in the treasury to the credit of the fund from which it is to be drawn, or has been levied and placed on the duplicate, and in process of collection and not appropriated for any other purpose; which certificate shall be filed and immediately recorded, and the sums so certified shall not thereafter be considered unappropriated until the county, township or board of education, is fully discharged from the contract, agreement or obligation, or so long as the order or resolution is in force, and all contracts, agree-

Certificate of clerk, as to money being in proper fund.

ments or obligations, and all orders or resolutions entered into or passed contrary to the provisions of this section, shall be void. Provided, that none of the provisions of this section shall apply to the contracts authorized to be made by other provisions of law for the employment of teachers, officers, and other school employes of boards of education. Exceptions.

SECTION 2. That said section 2834*b* of the Revised Statutes be and the same is hereby repealed, and that all acts and parts of acts inconsistent herewith are hereby repealed as to such inconsistency but not otherwise.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
243G.

[House Bill No. 1294.]

AN ACT

Making sundry appropriations to pay the interest on the irreducible debt.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any money that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, the following sums, for the purposes hereinafter named:

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university, and Ohio state university funds, falling due January 1, 1908 ..... $300,000 00

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
244G.

[House Bill No. 1301.]

AN ACT

To enlarge the powers of officers having the control and management of public cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the officers having the control and management of any public cemetery, whether as township trustees, municipal council or cemetery trustees acting under the provisions of chapter 5, of title XII, division 3 of the Revised Statutes, shall have the power to acquire for such cemetery any property which, in the judgment of a majority of such officers, is necessary for a new and better approach to such cemetery; but no lot or parcel of land or any part thereof shall be appropriated, upon which any dwelling house is situated; and such property may be acquired by gift, purchase, appropriation, or by the exchange therefor of property belonging to such cemetery which has been used for an approach thereto and which, in the judgment of a majority of such officers, is rendered unnecessary for cemetery purposes by reason of the making of such new approach; and the title to property so acquired shall be vested in the township or townships, corporation or corporations owning such cemetery; and when such property is acquired by exchange as herein provided, by township trustees or cemetery trustees, the trustees making such exchange shall execute, in the name of the township or townships, corporation or corporations owning such cemetery, proper and sufficient conveyances of the part or parts of such cemetery so exchanged for property required for such new and better approach; provided, however, that no property shall be so acquired by purchase or appropriation unless there is in the cemetery fund the money necessary to pay for the same; and, provided, further, that no land so acquired for an approach to such cemetery may be used for burial purposes, nor shall such land be subject to any of the statutory restrictions against the appropriation and use of property for cemetery purposes.

Cemetery approach, how secured.

Conveyances, who to make.

SECTION 2. That any land belonging to such cemetery which has been used for an approach thereto and which, in the judgment of a majority of officers having the control and management thereof, is rendered unnecessary for cemetery purposes by reason of the making of such new approach, or for any other reason, may be sold by such officers at public sale to the highest bidder, after advertisement once a week for five (5) consecutive weeks in a newspaper of general circulation within the county in which such cemetery is situated; and township trustees or cemetery trustees making such sale shall execute, in the name of the township or townships, corporation or corporations owning such

Old approach, sale of.

cemetery, proper and sufficient conveyances of the land so sold to the highest bidder at public sale after advertisement as aforesaid.

SECTION 3. That when the township trustees or cemetery trustees having the control and management of any public cemetery deem it necessary to appropriate any property for a new and better approach to such cemetery and have passed a resolution declaring the necessity of such appropriation and their intention to make the same, they shall make application to the court of common pleas, or to a judge thereof in vacation, to the probate court or to the insolvency court in the county in which the property sought to be taken is located in the manner prescribed in section 13 of the Municipal Code of 1902, and the proceedings to appropriate said property shall be conducted in the manner prescribed by sections 14, 15, 16, 17, 18, 19, 20, 21 and 22 of said act.

Appropriation of property.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
245G.

[House Bill No. 1302.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby appropriated, from any moneys raised or coming into the state treasury for the support of the common schools and not otherwise appropriated, the sum of forty-five thousand dollars ($45,000.00), to assist in the maintenance of weak school districts, which shall be distributed by the auditor of state, in accordance with the provisions of the act passed April 2, 1906.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
246G.

[House Bill No. 1340.]

AN ACT

Appropriating certain sums to Ohio Soldiers' and Sailors' Orphans' Home.

WHEREAS, Mary L. Hissem, late of Ashland, Ashland County, Ohio, willed and bequeathed to the Ohio Soldiers' and Sailors' Orphans' Home, of Xenia, Ohio, the sum of three thousand dollars ($3,000.00), and said home has received, after deducting court costs, the sum of two thousand nine hundred and seventy-one dollars ($2,971.00), which sum, together with interest from July 25, 1907, is now on deposit; also one thousand dollars ($1,000.00) bequeathed by John Ross, late of Hamilton County, Ohio, which, together with interest from November 1, 1907, the said board of trustees has in its possession, therefore

Be it enacted by the General Assembly of the State of Ohio:

That said sums of money be and the same are hereby appropriated to the Ohio Soldiers' and Sailors' Orphans' Home, to be expended by the board of trustees of said home, for the improvement of grounds and establishment of a dairy.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
247G.

[House Bill No. 1341.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for the redemption of county bonds, required by the act authorizing their issue, to be paid by moneys derived from a particular source, and where such source has proved inadequate," passed April 9, 1908, relating to the redemption of county bonds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to provide for the redemption of county bonds, required by the act authorizing their issue, to be paid by moneys derived from a particular source, and where such source has proved inadequate," passed April 9, 1908, be amended so as to read as follows:

Sec. 1. That when county bonds have been issued and sold under an act of the general assembly, passed prior to the year 1860, authorizing such issue for the purpose of improving any public road and providing for the payment of the same by tolls, and requiring their redemption by moneys derived from such source, and when it has been demonstrated, during the shortest period provided in such act, within which such bonds could be redeemed by such county, that adequate moneys to redeem such bonds cannot be derived from such source so provided for their redemption, then, at any period after the expiration of said short term, designated for such bonds, the county commissioners of such county are hereby authorized to redeem such bonds, in the manner provided by law for the redemption of county bonds, using for the payment thereof any unexpended balance or balances in any county fund not otherwise appropriated.

Redemption of certain bonds, issued under act, prior to 1860.

SECTION 2. That said section 1 of an act entitled, "An act to provide for the redemption of county bonds, required by the act authorizing their issue, to be paid by moneys derived from a particular source, and where such source has proved inadequate," passed April 9, 1908, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
248G.

[House Bill No. 1345.]

AN ACT

To amend section 1 of an act entitled, "An act to provide for the relief of indigent union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased union soldiers, sailors and marines," passed May 19, 1886, as amended April 14, 1900, in relation to a tax for the relief of soldiers and sailors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to provide for the relief of indigent union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased union soliders, sailors and marines," passed May 19, 1886, as amended April 14, 1900, be amended so as to read as follows:

Sec. 1. The board of county commissioners of the several counties in this state is hereby authorized and re-

Tax levy of five-tenths of one mill, authorized.

quired to levy in addition to the taxes now levied by law for other purposes than those herein provided, a tax not exceeding five-tenths of one mill per dollar on the assessed value of the property of their respective counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, indigent soldiers, sailors and marines of the United States, and the indigent wives, parents, widows and minor children under fifteen years of age, of such indigent or deceased soldiers, sailors or marines, to be disbursed as hereinafter provided.

SECTION 2. That said original section 1 of an act entitled, "An act to provide for the relief of indigent union soldiers, sailors and marines and the indigent wives, widows and minor children of indigent or deceased union soldiers, sailors and marines," passed May 19, 1886, as amended April 14, 1900, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
249G.

[House Bill No. 1354.]

AN ACT

To provide for the protection of tobacco growers and fixing a penalty for the destruction of or the injury to tobacco, or the interference with the growing thereof.

Be it enacted by the General Assembly of the State of Ohio:

Maliciously interfering, etc., with growth of tobacco.

SECTION 1. Whoever maliciously cuts down, breaks down or destroys, or by any means whatsoever injures, or retards, or prevents the growth of any tobacco plant not his own, or by sowing or planting other seed, or by removing or disturbing the ground, or by any means whatsoever maliciously prevents or retards, or interferes with, the growth or development of any tobacco seed planted upon the land of another, or whoever maliciously burns, destroys in any way, or injures in any manner any tobacco not his own, at any time after such tobacco has been severed from the soil, shall, upon conviction thereof, be imprisoned in the county jail not more than six months or in the penitentiary

Penalty.

not more than five years nor less than one year, at the discretion of the court.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
250G.

[House Bill No. 1355.]

AN ACT

To appropriate money to protect the tobacco growing industry of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the adjutant general of the state of Ohio be and he is hereby authorized and directed to appoint such number of persons as may be deemed necessary to act as secret service officers to detect and apprehend any person or persons engaged in the malicious destruction of tobacco plants or other property of persons engaged in the growing, curing and marketing of tobacco, and the adjutant general shall fix the compensation of such officers which shall be allowed, in addition, their actual and necessary expenses.

Secret service officers, appointment of.

Such officers when so appointed shall have the same power as a sheriff, deputy sheriff, or other police officer to arrest and detain until a legal warrant can be obtained, any person or persons found violating any law of this state enacted to prevent the destruction or injury of tobacco.

Powers of secret service officers.

SECTION 2. That for the purpose of carrying out the provisions of this act there be and is hereby appropriated out of any funds in the state treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of $10,000 for the payment of the compensation of such officers and their necessary expenses, and the auditor of state is hereby authorized and directed to issue his warrant upon the treasurer of state upon vouchers properly approved by the adjutant general.

Appropriation.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
251G.

[Senate Bill No. 419.]

AN ACT

To provide for the organization, regulation and inspection of building and loan associations, and savings associations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. A corporation for the purpose of raising money to be loaned to its members, and others, shall be known in this act as a "building and loan association," or as a "savings association." Associations organized under the laws of this state shall be known in this act as "domestic" associations, and those organized under the laws of other states or territories, as "foreign" associations. Associations may be organized and conducted under the general laws of Ohio relating to corporations, except as otherwise provided in this act.

Name, must end with the word "company."

SECTION 2. The name of every such corporation hereafter organized, or heretofore organized and hereafter changing its name, shall begin with any word it may select, and shall end with the word "company" or with the word "association," and it shall also use in its name in any order it may designate, and if it so desires, with other words not forbidden by law, any one or more of the following words, or combinations of words, at its option, to-wit: "Savings," "buildings," "loan," "savings and loan," or "building and loan." Provided, however, such association shall not use the words "bank," "banking" or "trust," or any one or more of them in combination.

Words, use of, forbidden.

SECTION 3. The capital stock named in the articles of incorporation shall be deemed to refer to the authorized capital, and the organization may be completed and business commenced when 5 per cent. thereof is subscribed, and when the names and addresses of its officers and not less than two copies of its constitution and by-laws have been filed with the inspector of building and loan associations.

Business, when may be commenced.

Directors, term of office.

SECTION 4. Directors may be elected for any term, not less than one year nor longer than three years, but if such term be longer than one year, it shall be so arranged that the term of office of an equal number of directors, as nearly as may be, will expire each year.

SECTION 5. Such corporation shall have all the powers set forth in the following sections of this act.

Deposits, receiving of.

SECTION 6. To receive money on deposit, and all persons, firms, corporations and courts, their agents, officers and appointees are hereby authorized to make such deposits and stock deposits, but such corporation shall not pay interest thereon exceeding the legal rate; and whenever any such deposits or stock deposits are made to the joint account of two or more persons, whether adults or minors, with a joint order to the corporation that such deposits or any part thereof are to be payable on the order of any one

Joint accounts, duties as to.

or more of said joint depositors, and that such deposits shall continue to be so payable notwithstanding the death or incapacity of one or more of the persons making such joint deposits, such account shall be payable to any one or more of such survivors or survivor or order notwithstanding such death or incapacity. And no recovery shall be had against said corporation for amounts so paid and charged to such account.

Stock, issue of.

SECTION 7. To issue stock to members on such terms and conditions as the constitution and by-laws may provide. Each member shall have the right to vote his stock in whole or fractional shares, as the constitution and by-laws may provide, but no person shall vote more than twenty shares in any such corporation in his own right, and no one shall have the right to cumulate his votes, provided, however, every subscriber for stock shall have the right in accordance with the constitution of the association, to vote the amount of stock so subscribed for, in no event to exceed twenty shares.

Vote, maximum amount, twenty shares.

Assessments, etc.

SECTION 8. To assess and collect from members and others, such dues, fines, interest and premium on loans made, or other assessments, as may be provided for in the constitution and by-laws. Such dues, fines, premium or other assessments shall not be deemed usury, although in excess of the legal rate of interest.

Withdrawal of stock deposits.

SECTION 9. To permit members to withdraw all or part of their stock deposits, at such times, and upon such terms, as the constitution and by-laws may provide. Any member, however, who withdraws his entire stock deposit, or whose stock has matured, shall be entitled to receive all dues paid in and dividends declared thereon, less all fines or other assessments, and less the pro rata share of all losses, if any have occurred. To permit withdrawal of deposits upon such terms and conditions as the association may provide except by check or draft; provided, however, that no such association shall be permitted to carry for any member or depositor any demand, commercial or checking account, but nothing in this act shall be construed to prevent members or depositors from withdrawing funds by non-negotiable orders.

Checking account, forbidden.

Cancellation, etc.

SECTION 10. To cancel shares and parts of shares of stock upon which the credits have been withdrawn, or upon which loans have been repaid, and re-issue them as new stock.

Minors, rules as to.

SECTION 11. To issue stock to minors and receive deposits thereon and permit both stock and deposits to be withdrawn, transferred, pledged and voted by such minors as other stock and stock deposits; to receive deposits of money by or for minors and to pay the same to such minors, or upon their order, and the receipt or paid order of such minor, therefor, shall be a valid acquittance of the rights of all concerned.

SECTION 12. To lease, acquire, hold, encumber, con-

Property, leasing, holding, etc, of.

vey and rent such real estate and personal property as is necessary for the transaction of its business, or necessary to enforce or protect its securities.

Borrowing money.

SECTION 13. To borrow money, not exceeding twenty per cent. of the assets, and issue its evidences of indebtedness or other security therefor.

Loans.

SECTION 14. To make loans to members and others on such terms, conditions and securities as may be provided by the association.

SECTION 15. To cancel such loans and release the securities on such terms as the board of directors may provide. But any member may have his loan cancelled upon the following terms, to-wit: After the premium for one year has been paid, and also the interest and premium up to the date of cancellation, the borrower shall pay the sum actually borrowed less the dues paid and dividends credited. He shall pay also any fines or other assessments required by the constitution and by-laws.

Cancellation of loan.

"Reserve fund."

"Undivided profit fund."

Idle funds, how invested.

SECTION 16. To accumulate from the earnings a "reserve fund" for the payment of contingent losses, and an "undivided profit fund", both of which may be loaned and invested as other funds of the association; and to invest any of its idle funds, or any part thereof, in bonds or interest bearing obligations of the United States, or of the District of Columbia, or of the state of Ohio, or of any county, township, school district, or other political division in the state of Ohio, or of any incorporated city, village, or other incorporated municipality in the state of Ohio; and in such other securities as are now or may hereafter be accepted by the United States to secure government deposits in national banks; provided that such investments shall at no time amount in the aggregate to more than twenty per cent. of the assets of such corporation. Also to deposit any of said funds or any part thereof, in any financial institution that is subject to inspection by the United States, or by the state of Ohio; and receive therefor certificates of deposit and to buy but not sell, except in case of financial emergency and then only with the consent previously had of the inspector of building and loan associations, interest bearing obligations secured by real estate mortgages, which shall in all respects comply with, and be within the rules adopted for making mortgage loans by the corporation making such investments, and such mortgage investments may be held and reported as mortgage loans.

Interest bearing obligations, secured by mortgage, buying of.

Earnings, distribution of.

SECTION 17. To make such annual or semi-annual distribution of the earnings as is hereinafter provided, and as the constitution and by-laws may prescribe.

SECTION 18. To increase or decrease its authorized capital or the face value of its shares, or change the name of the corporation at any time, by a majority vote of its board of directors; and a certificate of such action shall be made by the president and secretary, and duly filed with the secretary of state, after which in the use of the changed

Certificate of increase, decrease, etc., where filed.

stock and changed name, all rights of all parties shall remain the same as before any such change was made.

SECTION 19. To dissolve the corporation when its continuance shall be deemed by a majority vote of the stock entitled to be voted under its constitution and by-laws, which shall not be inconsistent with the provisions of section 7 of this act, to be no longer desirable, subject, however, to the contract rights of its borrowers, and the vested rights of its members. Dissolution.

SECTION 20. To amend its articles of incorporation, and to increase and decrease the number of its directors, by complying with all the requirements provided in its own constitution for the amendment thereof, and the other officers of such corporations shall consist of a president, one or more vice-presidents, one or more secretaries and such other officers as its constitution and by-laws may provide.

SECTION 21. To provide, by constitution adopted by its members, and by-laws adopted by its board of directors, for the proper exercise of the powers herein granted, and the conduct and management of its affairs. Constitution and by-laws.

SECTION 22. To have all such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

SECTION 23. The board of directors shall designate a bank or banks, in which it shall cause the funds of such corporation to be deposited in the name of the corporation, and such funds when so deposited, can be withdrawn only in such manner and for such purpose as may be provided in the constitution and by-laws and authorized by law. Banks, designation of, to receive funds.

All bank books showing such deposits shall be open to the inspection of any director at any time. All officers of such association who have charge or possession of money, securities, or property, shall give bond before entering upon their duties, to the satisfaction of the board of directors, for the faithful performance of the same, and the safe keeping and proper application of all moneys or property coming into their hands. All officers of such corporations on being re-elected to office shall renew their bonds. The bond may be increased or additional securities required at any time by the board of directors. Directors shall not be eligible as bondsmen, and shall be individually liable for any loss to members, caused by their neglect to comply with the provisions of this section. Bond of officers.

SECTION 24. The amount to be set aside to the reserve fund, for the payment of contingent losses shall be determined by the board of directors, but in all permanent or perpetual associations, at least five per cent. of the net earnings shall be set aside each year to such fund until it reaches at least five per cent. of the total assets. All losses shall be paid out of such fund until the same is exhausted, and whenever the amount in said fund falls below five per cent. of the assets as aforesaid, it shall be replenished by annual appropriations of at least five per cent. of the net "Reserve fund." Losses, payment of.

earnings as hereinbefore provided until it again reaches said amount.

Expenses, how paid.

SECTION 25. All expenses of such association shall be paid out of the earnings only, and so much of the earnings as may be necessary shall be set aside each year for such purpose. But charges incident to a loan, if paid by the borrower, shall not be deemed a part of the current expenses.

After payment of expenses and interest, a portion of the earnings to be determined by the board of directors, shall also be placed annually or semi-annually in the reserve fund for the payment of contingent losses, as hereinbefore provided, and a further portion of such earnings, to be determined by the board of directors, shall be transferred as a dividend annually or semi-annually, in such proportion to the credit of all members as the corporation, by its constitution and by-laws, may provide, to be paid to them at such time and in such manner in conformity with this act as the corporation by its constitution and by-laws, may provide. Any residue of such earnings may be held as undivided profits to be used as other earnings, provided, however, that such undivided profit fund shall at no time exceed three per cent. of the total assets of the association.

Dividends.

"Undivided profits," not to exceed 3% of assets.

All losses shall be assessed in the same proportion and manner on all members after the amounts in the reserve fund and the undivided profit fund have been applied to the payment of the same.

SECTION 26. The shares and loans advanced to its members, shall be exempt from taxation, except shares or stock upon which no loans have been made or money advanced by the company, shall be considered and held as credits, and the said members individually shall list for taxation the number of shares held by them, and the true value thereof in money, on the day preceding the second Monday in April each year, and the same shall be assessed at such valuation for taxation and taxes as other property.

Listing of shares for taxation.

Bureau of building and loan associations, establishment of.

SECTION 27. There is hereby established in the department of insurance a bureau to be known as the bureau of building and loan associations, which shall be charged with the execution of the laws of this state relating to such associations.

Execution of this act, who charged with.

Inspector of building and loan associations, who shall be.

SECTION 28. The chief officer of said bureau shall be known as the "inspector of building and loan associations." The superintendent of insurance shall ex officio, be also such inspector and as compensation for his services as such inspector he shall be entitled to receive such compensation as provided by law. Before entering upon his duties, he shall give bond to the state of Ohio in the sum of ten thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his duties, and the bond, with his oath of office and the approval of

the governor endorsed thereon, shall be filed with the secretary of state.

Deputy, appointment and salary of.

The inspector shall appoint a deputy, who is hereby authorized to perform the duties attached by law to the office of inspector, and such deputy shall receive as compensation therefor the sum of three thousand dollars per annum, and this salary shall be in full for all services rendered to the state for inspection of bond investment companies and for services rendered under this act. He shall also appoint such clerks and examiners as may be necessary.

Clerks, examiners, appointment of.

SECTION 29. The adjutant general shall provide suitable accommodations for the conduct of the business of the bureau in the office of the superintendent of insurance and furnish the necessary furniture, etc., and the expense of the same shall be paid out of the state treasury, on the certificate of the inspector and the warrant of the adjutant general.

SECTION 30. It shall be the duty of the inspector to see that all the laws of this state relating to building and loan associations and to savings associations are faithfully executed.

Foreign associations, regulations of.

SECTION 31. Foreign building and loan associations doing business in this state, shall conduct the same in accordance with the laws of the state governing domestic associations, and no such association shall do any business in this state until it procures from the inspector a certificate of authority to do so. To procure such authority, such association shall comply with the following provisions:

Deposit of $100,000.00 required.

First. It shall deposit with the inspector one hundred thousand dollars, either in cash or bonds of the United States or the state of Ohio, or of any county or municipal corporation in the state of Ohio, satisfactory to the inspector.

Second. It shall file with the inspector a certified copy of its charter, constitution and by-laws, and other rules and regulations showing its manner of conducting business, together with a statement such as is required annually from all associations.

Agreement, as to service of summons.

Third. It shall also file with the inspector a written instrument, duly executed, agreeing that a summons may issue against it from any county in this state, directed to the sheriff of the county in which the office of the inspector is situate, commanding him to serve the same by certified copy personally upon the inspector or by leaving a copy thereof at his office. The inspector shall, however, mail a copy of any papers served on him, postage prepaid, to the home office of such association.

SECTION 32. Whenever such association has complied with the provisions of this act, and the inspector is satisfied that such association is doing business according to the laws of this state, and is in sound financial condi-

Certificate of authority, when issued.

tion, he shall issue his certificate of authority to such association to do business in this state. Annually thereafter, upon the filing of the annual statement herein provided for, if the inspector shall be satisfied as aforesaid, he shall issue a renewal of such certificate of authority.

SECTION 33. Such foreign association may collect and use the interest on any securities so deposited, so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other securities of equal value and satisfactory to the inspector.

Deposit, for what purpose held.

SECTION 34. The deposit made with the inspector shall be held as a security for all claims of residents of this state against said association, and shall be liable for all judgments or decrees thereon, and subjected to the payment of the same in the same manner as the property of other non-residents. Should any association cease to do business in this state, the inspector may release securities in his discretion, retaining sufficient to satisfy all outstanding liabilities.

SECTION 35. Every building and loan association doing business in this state shall annually, at the end of each fiscal year, or within forty days thereafter, make a full and detailed report in writing of the affairs and business of the association for the preceding year, and showing its financial condition at the end of said fiscal year. With the first report made by any association it shall also file a certified copy of its constitution and by-laws or other rules and regulations, showing its manner of doing business.

Annual report.

Certified copy of constitution and by-laws, filing of.

SECTION 36. The statement shall be in such form and contain such information as may be prescribed by the inspector of building associations. It shall be sworn to by the secretary, and its correctness attested by at least three directors, or an auditing committee appointed by the board. The original shall be filed with the inspector of building associations within forty days after the close of the fiscal year, and such an abstract thereof as the inspector may require shall be posted for sixty days in the office or meeting place of such association, and also published in some paper regularly issued in the county in which said association is located.

Publication of statement.

SECTION 37. The inspector shall make or cause to be made by some person or persons by him appointed for that purpose, examinations into the affairs of every such association, at least once in each year. The expense of all examinations provided for herein shall be paid by the state of Ohio; provided, that when, by the laws of any other state, district, territory or nation, examinations of such associations of this state are required or permitted to be made by any official or other authority of such other state, district, territory, or nation, at the expense of such associations, then the expenses of all such examinations made by the inspector of this state, of such associations of such state, district, territory or nation, shall be respectively

Annual examinations, inspector to make.

charged to and collected from such associations so examined.

SECTION 38. Should the inspector, upon examination, find any domestic association conducting its business in whole or in part contrary to law, or failing to comply with the law, he shall so notify the board of directors of such association in writing, and if, after thirty days, such illegal practices or failure continue, he shall communicate the facts to the attorney general, who shall cause proceedings to be instituted in the proper court to revoke the charter of such association.

Unlawful business, report of, to directors.

Revocation of charter.

SECTION 39. Should the inspector find, upon examination, that the affairs of any such association are in an unsound condition, and that the interests of the public demand the dissolution of such association, and the winding up of its business, he shall so report to the attorney general, who shall institute the proper proceedings for that purpose.

Dissolution, duties of attorney general as to.

SECTION 40. Such examiners shall have access to and may compel the production of all the books, papers, securities and moneys, etc., of the association, under examination. They shall have power to administer oaths to, and examine the officers and agents of such associations as to its affairs.

SECTION 41. When the inspector deems it to the interest of the public, he may publish the result of such examination in some newspaper of general circulation in the county in which such association is located, if it be a domestic association, and in some newspaper in the city of Columbus, Ohio, if it be a foreign association.

Result of examination, publication of.

SECTION 42. Should the inspector find, upon examination, that any foreign association does not conduct its business in accordance with the law, or that the affairs of any such association are in an unsound condition, or if such association refuses to permit examination to be made, he may cancel the authority of such association to do business in this state, and cause a notice thereof to be mailed to the home office of the association, and to be published in at least one newspaper published in the city of Columbus. After the publication of such notice, it shall be unlawful for any agent of said association to receive any further stock deposits from members residing in this state, except payments on stock on which a loan has been taken.

Authority of foreign associations, cancellation of.

SECTION 43. Foreign building and loan associations shall pay to the inspector the following fees, to-wit: For filing each application for admission to do business in this state, one hundred dollars. For each certificate of authority and annual renewal of same, fifty dollars; both foreign and domestic associations shall pay to the inspector for filing each annual statement, as follows: If the assets of the association, as shown by the statement filed, amount to $50,000.00 or less, $3.00; if more than $50,000.00 and less than $100,000.00, $5.00; if more than $100,000.00 and less

Fees, foreign associations, etc.

than $250,000.00, $10.00; if more than $250,000.00 and less than $500,000.00, $20.00; if more than $500,000.00 and less than $1,000,000.00, $30.00; if more than $1,000,000.00, $50.00. For each copy of a paper filed in his office, twenty-five cents per folio. For affixing the seal of office and certifying any paper, one dollar. The fees provided for herein shall be deposited by said inspector, with the state treasurer upon the warrant of the state auditor.

SECTION 44. All securities of cash deposited with the inspector shall be immediately deposited with the treasurer of state, who, with his sureties, shall be responsible for the safe-keeping thereof. The treasurer shall deliver such securities only upon the written order of the inspector of building associations.

SECTION 45. It shall be unlawful for any building and loan association to do business in this state without having first complied with the provisions of this act, and any association violating any of the provisions of this act, or failing to comply with any of its provisions, shall be fined not less than fifty nor more than one thousand dollars, to be recovered by an action in the name of the state, and on collection paid into the state treasury.

Violations.

Penalty.

Unlawful acts, enumerated.

SECTION 46. Every president, director, trustee, member of any committee, secretary, treasurer, attorney or any other officer at any time created, or agent of any such corporation, who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of such corporation, or who issues or puts into circulation any warrant or other order, or who assigns, transfers, cancels or delivers up any note, bond, draft, mortgage, judgment, decree, or any other written instrument belonging to such corporation, or raises money otherwise, or receives money from any member or other person for and in the name of such corporation, unless duly authorized by the board of directors of such corporation; or who shall sign the name of any person to an order or warrant for the payment of money without proper power of attorney or written order from such person to whose order such warrant or order is made payable; or any member or members of the board of directors who shall vote to declare, or any financial or first secretary of such corporation who shall declare or advise the board of directors of such corporation to declare a greater dividend than what has been actually earned by the corporation, for the purpose of deceiving the people or defrauding the members of such corporation; or who certifies to or makes any false entry on any book, report or statement of or to such corporation, with intent in either case to deceive, injure or defraud the corporation or any other company, body politiq or corporate, or any individual person, or to deceive any one appointed to examine the affairs of such corporation; and every person who with like intent aids or abets any president, secretary, treasurer, committee or other officer or person in any violation of this section shall be

False entry, etc.

deemed guilty of a felony, and shall be imprisoned not less than one year nor more than ten years, and shall be liable civilly to the party injured, to the extent of such damage thereby incurred, and suit may be brought against such person and the sureties on his bond given to such corporation for the faithful performance of his duty. Any officer whose duty it is, failing to make the reports required by this act, and any officer, employe or other person, who solicits business for, aids or assists any building and loan association to do business contrary to the provisions of this act, or without having complied with its provisions, shall be guilty of a misdemeanor, and on conviciton thereof shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Such fines, when collected, to be paid into the state treasury.

Penalty.

Failure to make reports, etc.

Penalty.

SECTION 47. The inspector shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and he shall, annually, make a report to the general assembly of the general conduct and condition of the building and loan associations doing business in this state, with such suggestions as he may deem expedient. Such report shall also include the information contained in the statements required of the associations, and arranged in tabulated form. He shall also report the names and compensation of the clerks employed by him, the whole amount of the income, the source whence derived, and the expense in detail, during the year ending on the thirty-first day of December.

Annual report to General Assembly.

SECTION 48. Building and loan associations and savings associations shall be authorized to provide in their constitutions and by-laws for the time and terms of the dissolution of such corporations; also for the consolidation for two or more of such corporations into one, upon such terms and conditions as may be determined upon by their boards of directors; also, in the case of the dissolution of any such corporation, its board of directors may, by a majority vote, be authorized to sell and transfer its mortgage securities or other property, or both, to another corporation, person, or persons subject always to the contract rights of the mortgagors.

Consolidation of two or more corporations.

SECTION 49. The following acts and parts of acts are hereby repealed, to-wit, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 of an act entitled, "An act to provide for the organization, regulation and inspection of building and loan associations," passed May 1, 1891, (Vol. 88, page 469).

Also section 1 of an act entitled, "An act to provide for the dissolution and consolidation of building and loan associations" as passed April 27, 1893. (Vol. 90, page 315.)

Also sections 3836-18 and 3836-22 of an act passed May 12, 1902 (Vol. 95, pages 614-615), entitled, "An act

to amend sections 3836-18 and 3836-22 of the Revised Statutes of Ohio."

Also section 3*a* of an act, passed March 18, 1904 (Vol. 97, page 43), as to investment of funds, entitled, "An act to supplement section 3 of an act entitled, 'An act to provide for the organization, regulation and inspection of building and loan associations," passed May 1, 1891.

Also section 3 of an act, passed March 31, 1906 (Vol. 98, page 173), relating to minors, entitled, "An act to amend section 3 of an act to provide for the organization, regulation and inspection of building and loan associations", passed May 1, 1891, and all acts or parts of acts inconsistent herewith are repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 11, 1908.

ANDREW L. HARRIS,
Governor.
252G.

[Senate Bill No. 425.]

AN ACT

To provide for the registration, identification and regulation of motor vehicles.

Be it enacted by the General Assembly of the State of Ohio:

"Motor vehicle," defined.

SECTION 1. That the term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor bicycles, motor cycles, motor trucks or drays used exclusively for commercial purposes, road rollers, traction engines, fire engines, police patrol wagons, ambulances and such vehicles as run only upon rails or tracks.

"Local authorities," defined.

SECTION 2. The term "local authorities" shall include all officers of counties, cities, villages or towns, as well as all boards, committees, and other public officials of such counties, cities, villages or towns.

"Chauffeur," defined.

SECTION 3. The term "chauffeur" shall mean any person operating a motor vehicle for hire, or as the employee of the owner thereof.

"State," defined.

SECTION 4. The term "state" as used in this act, except where otherwise expressly provided, shall include the territories and the federal districts of the United States.

"Owner of," defined.

SECTION 5. The term "owner of" or "person hereafter acquiring" shall include any person renting a motor

vehicle or the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

SECTION 6. Every owner of a motor vehicle or vehicles, which shall be operated or driven upon the public roads or highways of this state, shall annually for each motor vehicle owned or acquired, except as herein otherwise provided, cause to be filed by mail or otherwise, upon the payment of a registration fee of five dollars for such gasoline or steam motor vehicle, and a registration fee of three dollars for each electric motor vehicle, in the office of the secretary of state, an application for registration, containing,

Annual application.

Fees, gasoline or steam, $5.00, electric, $3.00.

A brief description of the vehicle to be registered, including the name of the manufacturer, the manufacturer's number of the motor vehicle, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Application, what to contain.

The name and address of the owner of such motor vehicle, and the name of the county of the state in which he resides. But any person to whom an annual 1908 license has been issued by any municipality of this state prior to the time when this act shall take effect, shall be exempt from the provisions of sections 6, 7, 8, 9, 10 and 11 of this act up to and until January 1, 1909.

Municipal license, effect of.

SECTION 7. Upon the filing in the office of the secretary of state of an application as hereinbefore provided, the secretary of state or his duly authorized agent shall assign to such motor vehicle as described in such application a distinctive number, and shall issue to the owner of such motor vehicle, as it is described in the application filed, a certificate of registration, which certificates shall be in form of a card, which may be carried in the pocket and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and the address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the manufacturer's number, if number there be, the character of the motor power, and the amount of such motor power stated in figures of horse power.

Duty of secretary of state, as to assigning numbers, etc.

Record, what to contain.

SECTION 8. Upon the receipt of an application for registration of a motor vehicle as hereinbefore provided the secretary of state shall thereupon file such application in his office, and register such motor vehicle, with the name and address of the owner thereof, and the facts stated in the application, in a book or index to be kept for the purpose, under the distinctive number and identification mark assigned to such motor vehicle by the secretary of state, and issue to the applicant a certificate as hereinbefore provided. The original book or index in which the motor vehicles are registered as hereinbefore provided, shall be kept in the office of the secretary of state, and shall be open to the inspection of any person during reasonable business hours. An exact, full and accurate list of registered motor vehicles and their owners, shall be furnished by the secre-

List, furnished to county clerks, monthly.

tary of state to the clerk of every county in the state, and such lists shall be kept as public records, in books to be furnished by the secretary of state, in the office of each county clerk, and the secretary of state shall further furnish to the county clerk of each county, once each month, copies of the additional applications for registration received, which shall be entered by the county clerk on the list kept by him as hereinbefore provided.

SECTION 9. That every motor vehicle, registered in accordance with the provisions of this act, shall have the distinctive number and registration mark assigned to it by the secretary of state and furnished by the secretary of state, in accordance with the provisions of section 10 hereof, as hereinbefore provided, displayed on the front and rear of such motor vehicle, as an identification mark, securely fastened, so as not to swing.

Placard, front and rear.

SECTION 10. That such distinctive number as an identification mark shall consist of a blue placard, as the background, upon the face of which shall appear the distinctive number assigned to such motor vehicle as hereinbefore provided, in white Arabic numerals, such numerals to be not less than four inches long, nor each stroke less than one-half inch in width, such number to be followed on the placard by the initial or abbreviation of the name of this state in white letters, each letter to be at least two inches in height, and each stroke to be at least one-half an inch in width.

Description of placard.

SECTION 11. That in the case of a manufacturer or dealer in motor vehicles such manufacturer or dealer shall make application for registration in the same manner as hereinbefore provided, of each gasoline, steam, electric or other make of motor vehicle manufactured or dealt in by such manufacturer or dealer, whereupon, upon the payment of a registration fee of ten dollars ($10.00) there shall be assigned to such style or type of motor vehicle a distinctive number as an identification mark, which shall be carried and displayed by every motor vehicle of such style or type registered in the same manner as hereinbefore provided, while such vehicle is being operated on the public highway, and until such vehicle shall be sold or let for hire, and there shall be issued to such manufacturer or dealer a certificate of registration as hereinbefore provided for each gasoline, steam, electric or other make of motor vehicle, and as many certified copies thereof as may be desired, upon the payment of a fee of two dollars ($2.00) for each such copy.

Manufacturers' registrations as to.

Manufacturers' registration fee, $10.00.

Certified copies, $2.00 each.

SECTION 12. Every motor vehicle operated and driven upon the public roads or highways of this state shall be provided with adequate brakes sufficient to control the vehicle at all times and a suitable and adequate bell, horn or other device for signalling, and shall during the period from thirty minutes after sunset to thirty minutes before sunrise, display three white lights, two on the front and one on the rear of each motor vehicle, the rays of which

Brakes and alarm devices.

Lights, two front, one rear.

rear lamp shall shine upon and illuminate each and every part of the aforesaid distinctive number borne upon that part of the motor vehicle, the light of which front lamp shall be visible at least two hundred feet in the direction in which said motor vehicle is proceeding, and every motor vehicle shall also display, in addition to the foregoing, a red light on the rear thereof.

Non-residents.

SECTION 13. The provisions of the foregoing sections shall not apply to motor vehicles owned by non-residents of this state, provided that the owners thereof shall have complied with the provisions of the law of the state of their residence in regard to motor vehicles, and shall comply with such law while operating and driving a motor vehicle upon the public roads or highways of this state: Provided, however, that the foregoing sections of this act are substantially in force as law in the state of the residence of the owner of such motor vehicle, otherwise all provisions of this act shall apply.

Speed.

SECTION 14. No person shall operate a motor vehicle on the public roads or highways of this state at a rate of speed greater than is reasonable or proper, having regard to width, traffic and the use of the highway and the general and usual rules of the road or so as to endanger the property or life or limb of any person, or the safety of any property.

Speed limits, specified.

SECTION 15. In no event shall any automobile, motor cycle or other motor vehicle be operated at a greater rate of speed than 8 miles an hour in the business and closely built up portions of any municipality in this state, no more than 15 miles an hour in the other portions of such municipalities, no more than 20 miles an hour outside of such municipalities, which rates of speed shall not be diminished nor prohibited by any ordinance, rule or regulation of any municipality, board or other public authority, but municipalities may by ordinance define what are the business and closely built up portions of such municipalities.

Duty, when meeting horse-drawn vehicle.

SECTION 16. Any operator of a motor vehicle, upon meeting or overtaking a horse-drawn vehicle, or person on horseback, shall slow down and stop said motor vehicle when signaled so to do and shall remain in such condition until said horse-drawn vehicle or person on horseback, shall have safely passed. Provided, however, that such signal to stop shall be given in good faith and under the necessity of the circumstances, and only so often and for such length of time as shall be required to permit said vehicles to safely pass, whether approaching from the front or the rear.

Accidents, vehicle to stop, in case of.

In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle, shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

SECTION 17. Every person hereafter desiring to op-

Chauffeurs, regulations as to.

erate a motor vehicle as a chauffeur, shall file in the office of the secretary of state, upon the payment of the registration fee of two dollars ($2.00) an application for registration which shall state: The name and address of the applicant, and that he is competent to operate a motor vehicle; the trade name and the kind of motor power of the vehicles or vehicle he is competent to operate; and whether or not the applicant has ever been previously convicted of a violation of any of the provisions of this act, giving the date and place of such conviction, and the provisions of this act violated, if any.

Application, what to specify.

SECTION 18. Upon receipt of such an application, the secretary of state shall thereupon file the same in his office in a book or index, which shall be kept in the same manner as the book or index for the registration of motor vehicles, as hereinbefore provided, and the secretary of state shall forward a list of such registered chauffeurs, and such additions thereto, as shall be made from time to time, to the county clerk of every county in the state, in the same manner as hereinbefore provided in the case of registered motor vehicles, and such lists shall be kept as public records in the county clerk's office in every county in the state.

Record, same as motor vehicles.

Lists, furnished to county clerks, monthly.

SECTION 19. The secretary of state shall forthwith, upon the registration of such chauffeur, as hereinbefore provided, issue to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form and the greater diameter of which shall not be more than two inches; and such badge shall have stamped thereon the words, "Registered Chauffeur No.....; State of Ohio, ...;" with the registration number inserted thereon, which badge shall thereafter be worn by such chauffeur, fastened upon his clothing in a conspicuous place at all times, while he is operating a motor vehicle upon the public roads or highways of this state.

Badge, description of.

SECTION 20. No chauffeur having registered as hereinbefore provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle upon the public roads or highways of this state wear any chauffeur's badge, belonging to another person, fictitiously representing himself to be a registered chauffeur.

Badge, to be worn by legal owner, only.

SECTION 21. No person shall operate a motor vehicle as a chauffeur on the public roads or highways of this state, subsequently to thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section; provided, however, that a non-resident chauffeur, who has registered under the provisions of the law of the state of his residence, which are substantially similar to the provisions of this section, shall be exempt from registration under this section; provided, however, that he wear a badge assigned to him in the state of his residence, in the same manner as hereinbefore pro-

Time for compliance, limited.

Non-resident.

vided, and comply with all the other provisions of this section.

Chauffeur must have written consent of owner.

SECTION 22. No chauffeur or other person shall drive or operate or cause to be driven or operated, any motor vehicle upon any public road or highway of this state in the absence of the owner of such motor vehicle, without such owner's written consent.

Speed tests, or races.

SECTION 23. No local authority shall have any power to make any ordinance, by-law or resolution regulating the speed of motor, provided, however, that local authorities may set aside for a given time a specific public highway for speed tests or races.

Penalties (owner, manufacturer or chauffeur).

SECTION 24. The violations of sections 6, 9, 11 and 12 of this act shall be punishable by a fine not exceeding twenty-five dollars ($25.00) for a first offense, by a fine not less than twenty-five dollars ($25.00) and not exceeding fifty dollars ($50.00) for a second offense, and by a fine not less than fifty dollars ($50.00), and not more than one hundred dollars ($100.00) or imprisonment for not more than thirty days for a third and subsequent offense.

Penalties (owner, manufacturer or chauffeur).

SECTION 25. Any violation of sections 14, 15 and 16 of this act shall be deemed prima facie evidence of a misdemeanor punishable by a fine not exceeding twenty-five dollars ($25.00) for a first offense, and by a fine not less than twenty-five dollars ($25.00) and not exceeding fifty dollars ($50.00) for a second offense, and by a fine not less than ($50.00) and not more than one hundred dollars ($100.00) or imprisonment for not more than thirty days for a third offense, and for or any subsequent offense, within one year, imprisonment for not less than ten days, nor more than thirty days.

Displaying false placard, penalty.

SECTION 26. Any person operating or driving a motor vehicle on the highways of this state, which shall display thereon a distinctive number or identification mark, belonging to any other motor vehicle or one which is fictitious, shall be deemed guilty of a misdemeanor, which shall be punishable by a fine of twenty-five dollars ($25.00) for a first offense and for any subsequent offense by a fine not less than fifty dollars ($50.00) or more than three hundred dollars ($300.00) or imprisonment for sixty days or both.

Penalties (chauffeur).

SECTION 27. Any violation of section 17, of this act, by a person not registered as a chauffeur, as hereinbefore provided, shall be punishable by a fine of not more than fifty dollars ($50.00) or the suspension of the right to apply for registration as a chauffeur, under this act, for one year or both, and for a subsequent or second offense by a fine of not more than one hundred dollars ($100.00) and in addition to the suspension of the right to apply for registration as a chaffeur for a time not less than one year or more than two years.

Penalties (chauffeur).

SECTION 28. Any violation of sections 19, 20 or 21 of this act, by a chauffeur, registered as hereinbefore provided, shall be punishable by a fine not exceeding fifty

dollars ($50.00), or by the suspension of the right to operate a motor vehicle as a chauffeur under the provisions of this act for a period of six months or both, and for a second or subsequent offense by a fine of not less than fifty dollars ($50.00) and not exceeding one hundred dollars ($100.00) and in addition the suspension of the right to operate a motor vehicle as a registered chauffeur under the provisions of this act for one year, and for such further time as shall be fixed by the trial court.

Penalties (chauffeur).

SECTION 29. Any violation of sections 14, 15 and 16 of this act by a registered chauffeur shall be a misdemeanor and punishable as provided in section 25 and in addition thereto a suspension of the right to operate a motor vehicle as a registered chauffeur as hereinbefore provided for thirty days for a second offense and for a period not less than one year for a third offense, in which case the registration of such chauffeur shall become null and void.

Penalties (persons other than owner).

SECTION 30. Any person violating any of the provisions of section 22 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding two hundred dollars ($200.00) or imprisonment for a period not exceeding six (6) months or both in the discretion of the court.

Magistrate's certificate to secretary of state.

SECTION 31. Upon the conviction of any person for a violation of any of the provisions of this act, the magistrate or other judicial officer, before whom the proceedings are held shall immediately certify the facts of the case and the character of the punishment to the secretary of state, who shall enter the same, in the case of an owner or chauffeur either in the indices of registered motor vehicles or registered chauffeurs as the case may be, opposite the name of the person convicted, as in the case of any other person, in an index of offenders to be kept for such purpose, in alphabetical order. The secretary of state shall then send notice of the conviction and the punishment of all such persons, whether owners, chauffeurs, or other persons to the county clerk of every county in the state, who shall enter the same upon the lists of registered motor vehicles or registered chauffeurs as the case may be, which are kept by him as hereinbefore provided, or upon a list of other offenders which he shall maintain in his office as a public record in the same manner as the registered lists of motor vehicles or chauffeurs as hereinbefore provided for, and shall furnish copies of such lists to the magistrates or other judicial officers of his county by whom the offenses against the provisions of this act are punishable.

Notice to county clerks.

Immediate hearing, prisoners entitled to.

SECTION 32. In case any person shall be taken into custody because of any violation of any of the provisions of this act, he shall forthwith be taken before any magistrate or justice of the peace in any city or village or county, and be entitled to an immediate hearing; and if such hearing cannot be had be released from custody on giving his personal undertaking to appear in answer for such viola-

tion at such time or place as shall then be indicated, secured by a deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, and in case the person taken into custody is not the owner, by leaving the motor vehicle with a written consent given at the time by the owner, who must be present, with such judicial officer; or in any case such judicial officer is not accessible be forthwith released from custody by giving his name and address to the person making the arrest and depositing with such arresting officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, in case the person arrested is the owner by leaving the motor vehicle, and in case the person is not the owner, by leaving the motor vehicle with a written consent given at the time by the owner who must be present; provided, that in such case the officer making the arrest shall give a receipt in writing for such sum or vehicle deposited and notify such persons to appear before the most accessible magistrate, naming him, specifying the date, place and the hour.

Undertaking, how secured.

Officers' receipt.

In case such undertaking with security or deposit shall not be made by an owner or other person taken into custody, the provisions of law in reference to bail in cases of misdemeanors shall apply.

Bail.

SECTION 33. The revenues derived from the registration fees provided for herein shall be applied by the secretary of state toward defraying the expenses incident to the carrying out and enforcement of the provisions of this act, and any surplus thereof shall be paid by the secretary of state into the state treasury, monthly. All actions for injury to the person or property caused by the negligence of the owner of any automobile included within the provisions of this act, may be brought by the party injured against the owner of such automobile in the county wherein such injured party resides. In case such action is begun, a summons against any defendant or defendants shall be issued to the sheriff of any county within the state of Ohio, wherein such defendant or defendants reside, to be served upon such defendant or defendants as in other civil actions, any law to the contrary providing for the service of summons in civil actions notwithstanding.

Revenues, disposition of.

Actions, where to be brought.

SECTION 34. All moneys coming into the state treasury, pursuant to this section, shall be there maintained as a separate fund for the improvement, maintenance and repair of the public roads and highways of this state, and shall be apportioned as the state highway fund is apportioned by law.

Moneys, used for public roads.

SECTION 35. This act shall be known as the "Automobile Law," and shall take effect and be in force from and after thirty days after its approval by the governor.

SECTION 36. That section 3490 of the Revised Statutes be amended so as to read as follows:

Sec. 3490. All persons driving carriages or vehicles

Roads, provisions as to vehicles meeting thereon.

of any description on any public turnpike, road or highway of this state, shall, on meeting carriages or vehicles of any description keep to the right so as to leave half of the road free, and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile, automobile, or motor vehicle, shall, on meeting carriages or vehicles of any description, keep to the right so as to leave two-thirds of the road free.

SECTION 37. That section 3490 approved April 23, 1904, and an act entiled, "An act to compel owners and operators of motor vehicles to register with the secretary of state," passed April 2d, 1906, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 11, 1908.

ANDREW L. HARRIS,
Governor.
253G.

[House Bill No. 1287.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1908, and the first quarter of the fiscal year ending February 15, 1909.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations, for 1908 and 1909.

SECTION 1. That the following sums, for the purposes hereinafter specified, be and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Contingent expenses	$2,250 00
Transportation indigent soldiers	400 00
Furniture and repairs	100 00
Steel filing cases for army records	2,500 00

STATE HOUSE AND GROUNDS.

Salaries of five firemen	$2,120 00
Salaries of ten regular laborers	4,760 00
Extra laborers and carpenter	1,375 00
Electric current for light and power for the state house	7,000 00

Care and repair heating apparatus	500 00	General appropriations, for 1908 and 1909.
Fuel for state house	3,000 00	
Flags for state house	100 00	
Material and repairs	17,000 00	
New cables and repairs for elevators in capitol annex	600 00	

OHIO NATIONAL GUARD.

Camp pay	$56,000 00
Drill pay	53,000 00
Subsistence	22,000 00
Transportation	44,000 00
Care of stores and freight	10,000 00
Incidental expenses of camp	8,000 00
Inspections and examinations	4,000 00
Promotion of rifle practice and competition	3,000 00
Horse hire, forage, fuel, lumber, straw and medical supplies	7,000 00
Incidental expenses of military companies	20,000 00
Uniforms, overcoats, blankets and equipments	5,000 00
Tents and repairs	400 00
Repair and improvement state arsenal	2,000 00
Rent of armories	82,800 00
Improvement of state camp grounds	12,000 00
Maintenance of U. S. S. Hawk	2,500 00
Maintenance of U. S. training ship of Toledo battalion of Ohio naval militia	2,500 00
Prizes for rifle and revolver competitions O. N. G.	500 00

AGRICULTURAL EXPERIMENT STATION.

Administration	$18,500 00
Agronomy	7,500 00
Animal husbandry	6,000 00
Botany	4,500 00
Chemistry and nutrition	3,500 00
Co-operative experiments	10,000 00
Entomology	2,500 00
Forestry	8,000 00
Horticulture and horticultural inspection	7,500 00
Soils	8,000 00
Furniture and carpets	500 00
Printing press and equipment	2,500 00

STATE BOARD OF AGRICULTURE.

Encouragement of agriculture	$21,000 00
Receipts and balance	
Suppression and prevention of diseases among live stock	3,000 00
Ordinary repairs and improvements on state fair grounds	2,000 00

General appropriations, for 1908 and 1909.

ATTORNEY-GENERAL'S DEPARTMENT.

Special counsel	$20,000 00
Books and furniture	500 00
Stenographic work	800 00
Allowance to pay costs in cases brought by state	1,500 00
Contingent expenses	1,850 00

AUDITOR OF STATE.

Contingent expenses	$3,000 00
Carpets and furniture	500 00
Steel filing cases	450 00
Traveling expenses	3,000 00
Salaries of two public service corporation examiners	4,800 00
Filing clerk	1,500 00
Salaries of two inspectors and examiners of departments of state	4,400 00

STATE BOARD OF APPRAISERS AND ASSESSORS.

Contingent expenses	$1,200 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Current expenses	$1,950 00
Field work, Fort Ancient and Serpent Mound.	1,250 00
Observatory at Serpent Mound	500 00
Publications	2,800 00
For completion of purchase of Fort Ancient	2,200 00
For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the society's annual publications, each member of the seventy-seventh general assembly to be provided with five copies of each volume, one set each for the accredited representatives of the press (35), all said volumes to be boxed and delivered under the direction and at the expense of the society	5,800 00
For reprinting the archæological history of Ohio, each member of the seventy-seventh general assembly to receive 20 copies delivered at the expense of the society	2,000 00

STATE BOARD OF ARBITRATION.

Per diem and expenses of members	$3,200 00

STATE BOARD OF CHARITIES.

Salary of stenographer	$120 00
Expenses of board	650 00

For commission for taking census of, and caring for needy blind	5,000	00
Expenses of secretary	450	00
Contingent expenses	1,000	00
Furniture, carpets and repairs	200	00
State conference	250	00
Expenses of investigations ordered by governor.	500	00

BOARD OF DEPOSIT.

Contingent expenses	$125	00

BOARD OF HEALTH.

General expenses	$28,000	00
For state exhibit to the International Congress on Tuberculosis, to be held at Washington, D. C., in September and October, 1908...	1,000	00
Inspection of maternity hospitals	5,000	00
Ohio river sanitary commission	1,000	00

BOARD OF PUBLIC WORKS.

For reconstruction of the Miami and Erie canal, both north and south of Dayton, balance and	$218,000	00
For improvement and repair of the bulkhead dam and waste weir of the Lewistown reservoir in Logan County	33,000	00
For repairing west bank and constructing concrete riprap St. Marys reservoir, Mercer County	30,000	00
For reconstruction northern division Ohio canal between Cleveland and Dresden	150,000	00
For repairing locks and keeping free of debris, weeds and undergrowth on both banks of the Ohio canal from Guard Lock in Fairfield County to the boundary line between Pickaway and Ross County, and such other work as may be necessary to remove unsanitary and unsightly conditions	15,000	00
For the construction of a piling protection wall along the Cuyahoga river adjacent to the canal in the city of Cleveland	30,000	00
For owners assessment paving the highway known as the Independence canal road from Brecksville to the south line of Button road, Newberg Township, Cuyahoga County...	16,000	00
For traveling expenses of engineers in superintending the reconstruction of the canals...	800	00

DAIRY AND FOOD COMMISSIONERS.

Expenses of commissioner	$450	00
Expenses of two assistant commissioners	1,100	00

General appropriations, for 1908 and 1909.

Salary of extra clerk	720 00
Salaries of two clerks	100 00
Inspection, analyses and publication	24,000 00
Contingent expenses	1,700 00
Traveling expenses of liquor tax inspectors	4,550 00
Contingent expenses for collection of liquor tax	700 00
Carpets, furniture and repairs	200 00
Library	100 00

EXAMINER OF STEAM ENGINEERS.

Salary of chief examiner	$1,200 00
Salary of assistant chief examiner	1,800 00
Salaries of ten district examiners	5,400 00
Salaries of clerks	1,680 00
Traveling expenses	5,100 00
Contingent expenses	1,800 00
Card filing cabinet	500 00
Office rent in Cleveland and Cincinnati	500 00

FISH AND GAME COMMISSION.

General expenses	$10,500 00
Patrol boats, balances and	5,000 00
Fish hatchery at London	2,000 00

BUREAU OF LABOR STATISTICS.

Traveling expenses of commissioner	$300 00
Contingent expenses	8,000 00
Furniture, repairs and advertising	250 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$19,500 00
For printing Howe's historical collection of Ohio	17,000 00
Salary of clerk	500 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Clerk hire	$660 00
Contingent expenses	550 00
Office furniture and carpets	150 00
Repairs, painting and papering	50 00
Traveling expenses	150 00
Salary of commissioner	700 00
For compensation to Ohio soldiers serving during the civil war under the provisions of Senate Joint Resolution No. 76	8,500 00
For printing, postage and labor in connection therewith	350 00

OHIO CODIFYING COMMISSION.

Clerk hire, stenographers and incidental expenses (including rent of offices)	$8,000 00

COMMISSIONER OF COMMON SCHOOLS.

Traveling expenses of commissioner	$550 00
Per diem and expenses of state board of school examiners	750 00
Boxing and shipping	300 00
Furniture and carpets	200 00
Publication and distribution of Arbor Day annual	500 00
Contingent expenses	1,200 00

EXECUTIVE DEPARTMENT.

Contingent expenses, including newspapers	$1,800 00
Printing and distribution of report of tax commission	3,000 00
Actual expenses of members of tax commission and services of assistant secretary	2,000 00
Purchase of oil portrait of late governor, John M. Pattison	500 00

GEOLOGICAL SURVEY OF OHIO.

Geological survey, receipts and balances and	$6,000 00
Co-operation with U. S. geological survey, balances and	25,000 00

STATE HIGHWAY DEPARTMENT.

Traveling expenses of assistant commissioner	$300 00
Contingent expenses	800 00
State aid in road building	440,000 00
Engineer	1,500 00
Traveling expenses	750 00
Traveling expenses highway commissioners and assistants	250 00
Salary of assistant commissioner	300 00
Chief clerk—salary	200 00
Stenographer	100 00
Salary clerk	250 00

INSPECTOR OF MINES.

Traveling expenses of chief inspector	$630 00
Salary of three inspectors	3,600 00
Traveling expenses of ten district inspectors	7,000 00
Contingent expenses	1,200 00
Files, fixtures and repairs	100 00

General appropriations, for 1908 and 1909.

INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$500 00
Traveling expenses of chief inspector	650 00
Traveling expenses of district inspectors	8,750 00
Contingent expenses	1,100 00
Office rent in Cleveland and Cincinnati	300 00
Salary of ten inspectors	9,000 00
Traveling expenses of ten inspectors	4,725 00
Salary of one assistant chief inspector	1,875 00
Traveling expenses assistant chief inspector	575 00
Salary of additional stenographer	630 00
One typewriter	100 00
Furniture fund	200 00
Contingent expense fund	500 00
Salaries of eight visitors	6,000 00
Traveling expenses of eight visitors	2,800 00

JUDICIARY.

Salaries of judges	$410,000 00
Expenses of common pleas judges	10,000 00

LEGISLATURE.

Salaries and mileage of members	$50,000 00
For James M. Williams, for services rendered as acting lieutenant governor from July 1, 1906, to January 1, 1909	1,850 00
Expenses legislative committees	10,000 00
Completing journals senate and house	2,400 00
Contingent expenses senate clerk	350 00
Contingent expenses house clerk	350 00
Contingent expenses of the senate	6,000 00
Contingent expenses of the house	12,000 00
Contingent expenses for care of both houses	2,500 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house, offices of the clerks of the house and senate, and committee rooms, during the year 1908, and for taking care of the bill books and other property of the members, as requested by them, twelve hundred dollars ($1,200.00), to be paid to him in semi-monthly installments on the warrant of the auditor of state. For employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dollars ($2.00) per day, when by him necessarily employed, twelve hundred dollars ($1,200.00) to be paid to said laborers on the warrant of the auditor of state; twenty-eight hundred dollars	2,800 00

EXPENSES GENERAL ASSEMBLY.

Printing of enrolled bills	$7,500 00
Expenses of the senate committee appointed under Senate Resolutions 58 and 65 to investigate state offices	2,045 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Prosecution and transportation of convicts	$95,000 00

DEPARTMENT OF STATE.

Contingent expenses	$2,750 00
Salary of assistant secretary of state	600 00
Distribution of books	2,250 00
Furniture and repairs	300 00
Stationery fund	9,500 00
Traveling expenses	1,000 00
Salary state registrar of vital statistics	2,500 00
Salary of chief statistician	1,500 00
Contingent expense and furniture	1,000 00

OHIO STATE LIBRARY.

Books and papers	$2,750 00
Salary of assistant librarian	300 00
Contingent expenses and extra labor	1,350 00
For traveling library department	7,600 00
Expenses of commission	425 00
Carpets, furniture and repairs	250 00
For department of library organization	2,000 00

INSURANCE DEPARTMENT.

Contingent expenses	$2,000 00
Salary of extra clerks	1,900 00
Salary of actuary	600 00
Salary of warden	1,800 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	2,400 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Traveling expenses	$3,520 00
Contingent expenses	750 00
Deputy inspector of building and loan associations and supervisor of bond investment companies. (As provided in Russell bill).	600 00
Inspector's clerk	1,350 00
Three examiners at $1,800 each	5,400 00
Traveling expenses of examiners and deputy inspector	2,500 00
Furniture and carpets	100 00

General appropriations, for 1908 and 1909.

RAILROAD COMMISSION.

Contingent expenses	$250 00
Traveling expenses	500 00
Office rent	2,000 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	$40,000 00
State bindery	22,500 00
Contingent expenses	250 00
Furniture	100 00
Machinery	1,000 00
Typewriting	200 00

SUPREME COURT AND LAW LIBRARY.

Contingent expenses, including porters	$2,500 00
Furniture and repairs	600 00
Books and legal periodicals for law library	3,000 00
Steel shelving and stairs for library	2,000 00

CLERK OF SUPREME COURT.

Contingent expenses	$675 00
Carpets	200 00
Tinting walls	175 00

REPORTER OF SUPREME COURT.

Contingent expenses	$300 00

TREASURER OF STATE.

Contingent expenses	$1,400 00
Collecting auditor of state's drafts	100 00
Furniture, carpets and repairs	250 00

OHIO PENITENTIARY.

Current expenses	$130,000 00
Salaries of officers	28,160 00
Salaries of guards	70,000 00
Ordinary repairs and improvements	10,000 00
Expenses of executions	1,000 00
Religious services and library	1,000 00
Furniture and carpets	250 00

OHIO PENITENTIARY COMMISSION.

For purchase of lands for new penitentiary	$200,000 00
Expenses of commission	5,000 00

OHIO STATE REFORMATORY.

Salaries of officers	$23,000 00
Salaries of guards	38,000 00
Furniture and carpets	500 00
Rewards outgoing prisoners	3,000 00
Ordinary repairs and improvements and sewage disposal plant	9,200 00
Current expenses	58,000 00
Purchase and improvement additional land	25,000 00

ATHENS STATE HOSPITAL.

Current expenses	$145,000 00
Salaries of officers and trustees' expenses	10,000 00
Ordinary repairs and improvements and water softening plant	20,000 00
Purchase of land in Hocking river bottom	3,000 00
Furniture and carpets	5,000 00
Building and completing the cottage with infirm and hospital wards and equipment	40,000 00
Laundry building and equipment	15,000 00
Library for patients	250 00
New boilers	12,000 00

CEVELAND STATE HOSPITAL.

Current expenses	$140,000 00
Salaries of officers and trustees' expenses	8,700 00
Ordinary repairs and improvements	13,000 00
Carpets and furniture	2,500 00
Completion of industrial building	5,000 00
Laundry machinery	1,000 00
Roadway completion	8,000 00

COLUMBUS STATE HOSPITAL.

Current expenses	$215,000 00
Salaries of officers and trustees' expenses	11,500 00
Ordinary repairs and improvements	17,500 00
Furniture and carpets	2,500 00
Enlarging laundry and converting old laundry into dining room	12,000 00
Ice plant and cold storage	25,000 00
Completing and furnishing nurses' home and Harris cottage	10,000 00
Grading and cement walks	500 00

DAYTON STATE HOSPITAL.

Current expenses	$150,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	14,000 00
Remodeling and furnishing employees' building	4,000 00
Carpets and furniture	2,500 00

General appropriations for 1908 and 1909.

LIMA STATE HOSPITAL.

Expenses of commission	$2,000 00
Salaries of commissioners	3,000 00
Construction	200,000 00
Fences and drainage	2,500 00
Salaries of superintendent of farm and assistant	1,500 00

LONGVIEW HOSPITAL.

Current expenses	$165,000 00

MASSILLON STATE HOSPITAL.

Current expenses	$158,000 00
Salaries of officers and trustees' expenses	10,000 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,000 00
Pipe, pipe covering and electric fixtures	2,000 00
Grading and cement walks	1,500 00
Purchase of land and mechanical equipment	21,500 00
Dairy barn and piggery	1,000 00
Dairy cows (50)	2,500 00
Coal crushers and bins	2,500 00
Rebuilding furnaces under four boilers and installing mechanical stokers	3,700 00

TOLEDO STATE HOSPITAL.

Current expenses	$180,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	16,000 00
Rebuilding butcher shop	2,000 00
Coal conveying system	6,000 00
Carpets and furniture	2,500 00
Remodeling and enlarging cottages	10,000 00
Repairing and enlarging industrial building	12,000 00
Purchase of land	24,000 00
Cold storage plant	10,000 00

OHIO STATE SANATORIUM.

Construction and mechanical equipment	$330,000 00
Furniture, fixtures and carpets	20,000 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$110,000 00
Salaries of officers, teachers and employes, and trustees' expenses	44,500 00
Ordinary repairs and improvements	10,000 00
Building road	4,500 00
Furniture and carpets	1,500 00

Rewards	1,000 00
Boilers and extension heating	10,000 00
Store room	8,000 00
One double cottage and furnishings	40,000 00

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the boys' industrial school.

GIRLS' INDUSTRIAL HOME.

Current expenses	$35,000 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	19,000 00
Ordinary repairs and improvements and fire escape	15,000 00
Furniture and carpets	2,500 00
Toilet and bath rooms	2,500 00
Extending industrial training	2,500 00
Rebuilding, finishing and furnishing cottage No. 2	5,000 00
Building and furnishing one new cottage	35,000 00
Building green house	1,500 00
Musical instruments and amusements	2,000 00

STATE SCHOOL FOR THE BLIND.

Current expenses	$51,000 00
Salaries of officers and teachers and trustees' expenses	19,000 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	2,500 00
Roadway and fencing	3,500 00
Pianos and school supplies	2,000 00
Oculist and oculist's supplies	700 00
Industrial department	5,000 00
Floors for dining room and kitchen	5,000 00
Balances for installing pipes and radiation to provide for central station hot water heating	

STATE SCHOOL FOR THE DEAF.

Current expenses	$65,000 00
Salaries of officers and teachers and trustees' expenses	40,000 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	1,000 00
Foremen and supplies industrial pursuits	6,500 00
Lumber and nails for boxes	1,350 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$170,000 00
Salaries of officers and trustees' expenses	11,000 00
Ordinary repairs and improvements	15,000 00

General appropriations, for 1908 and 1909.

Repair and improvement of administration building	2,500 00
Furniture and carpets	2,500 00
Road construction and farm improvements	2,500 00
Electrical equipment	7,000 00
Barn	5,000 00
Green house	1,200 00

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Current expenses	$135,000 00
Salaries of officers and trustees' expenses	19,500 00
Ordinary repairs and improvements	12,000 00
Furniture and carpets	4,000 00
Repairing heating system	6,000 00
Repairs to burned building	2,000 00
Ordinary repairs and improvements custodial farm	2,500 00

Provided that the exceptions to the Ohio penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.

SOLDIERS' AND SAILORS' HOME.

Current expenses and clothing, balances, amount received from general government, and	$25,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	14,000 00
Furniture, carpets, beds and bedding	5,000 00
Four 200 H. P. boilers, installation, addition to coal house and elevating railroad track	23,000 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$115,000 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	30,000 00
Ordinary repairs and improvements	8,000 00
Industrial pursuits	6,000 00
Furniture and carpets	2,000 00
Salaries of foreman and instructors	10,500 00
Net earnings	2,000 00
Religious services, amusements, library and pictures	2,000 00
Support orphans outside	2,000 00
New power plant and remodeling present system of light and water	65,000 00
Gymnasium equipment	1,000 00

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

Maintenance	$12,500 00
Ordinary repairs and improvements and balances and	8,500 00

OHIO STATE UNIVERSITY.

Equipment and heating woman's dormitory	$15,000 00
Equipment of engineering laboratory	20,000 00
Tunnel to engineering laboratory	6,300 00
Equipment agricultural building	5,000 00
Equipment school of mines building	9,000 00
Equipment of chemistry building	10,000 00
Equipment agricultural chemistry laboratory	4,000 00
Equipment bacteriological laboratory	1,000 00
Equipment veterinary medicine	1,500 00
Equipment of power house	12,500 00
Electric wiring and connections for agricultural buildings	500 00
Veterinary clinic building and equipment	90,000 00
Fire proof chemical store room	10,000 00
Encouragement and improvement dairy industry in accordance with the provisions of House Joint Resolution No. 100	2,500 00
Construction and equipment of students' building; plans to be approved by an honorary commission of five to be appointed by the governor and who shall serve without compensation	75,000 00

MIAMI UNIVERSITY.

Apparatus for college of liberal arts	$14,500 00
Maintenance of normal college	25,000 00
Sewerage	10,000 00
Water connections	3,000 00
Normal college building	45,000 00

OHIO UNIVERSITY.

Ewing hall bonds	$5,000 00
One year's interest on $30,000 Ewing hall bonds	1,500 00
For the erection and equipment of the south wing of normal college building—Ellis hall	35,000 00
Equipment and completion of women's dormitory	6,000 00
Completion heating plant	7,000 00
For the erection and equipment of a gymnasium for the normal college	35,000 00

WILBERFORCE UNIVERSITY.

Current expenses	$5,000 00
Industrial departments	3,000 00
Installing boiler, engine and electric supplies	3,000 00
Balance mortgage on farm	5,200 00
Laundry industry, installing and instruction	2,000 00
Building addition to Arnett hall	12,000 00

General appropriations, for 1908 and 1909.

DEPARTMENT OF BANKS AND BANKING.

Salary of superintendent	$3,300 00
Salary of chief clerk	1,200 00
Salary of stenographer	400 00
Rent	800 00
Two examiners	1,600 00
Contingent expenses	500 00
Traveling expenses	300 00

MISCELLANEOUS.

Purchase Virginia military land records	$800 00
For the care and improvement of Ft. Meigs Memorial park	5,000 00
For the use of the committee appointed by virtue of Senate Joint Resolution No. 54 and said committee is hereby empowered and directed to sit during the adjournment of the present session of this general assembly and to perform all of the duties of said committee as fully as if this general assembly were in session. Said committee shall make its final report on or before August 15, 1908, unless the proceedings and sitting of said committee shall have been interrupted or suspended by judicial proceedings or order of a court in which event said committee is hereby empowered and directed to continue its proceedings and sitting after such judicial proceeding or order of a court has been discharged and dismissed, and said committee shall sit for a full period of three months or until the legislative term of the members of said committee shall have terminated and expired. The sum herein appropriated is made available during such adjournment	35,000 00
For the use of the committee appointed by virtue of House Joint Resolution No. 119, and said committee is hereby empowered and directed to sit during the adjournment of the present session of this general assembly and to perform all the duties of said committee as fully as if this general assembly were in session, and the sum herein appropriated is made available during such adjournment	35,000 00
For the per diem, transportation and subsistence of the sixth infantry and hospital corps of the Ohio national guard for services during the week of the Grand Army of the Republic encampment at Toledo, during 1908.	5,000 00

Ohio commission to Ter-Centennial Jamestown Exposition, receipts and balances..... 1,000 00

Expenses of electoral college.....

The emergency board provided for by law is hereby authorized to authorize such expenditures up to January 1, 1909, as in its opinion are necessary to carry out the provisions of an act entitled 'An act to prohibit the competition of prison labor with free labor and to provide for the employment of prisoners in jail and at the prisons upon the manufacture of crushed stone, brick, draining and ballasting material, for the repair and construction of public roads and for the employment of jail and state penitentiary prisoners in the manufacture of road building material' passed March 29, 1906.

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1908, nor shall they be used or paid out for purposes other than those for which said sums are specificially appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations for contingent expenses; no bills for carpets or furniture shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions.

No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service, and showing that competitive bids were secured or that it was an emergency requiring immediate purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expendi-

General appropriations, for 1908 and 1909.

tures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 11, 1908.

ANDREW L. HARRIS,
Governor.
254G.

[House Bill No. 914.]

AN ACT

To amend and supplement certain sections of the "Municipal Code of 1902" herein specified, modifying and enlarging the powers of municipal corporations and their officers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 129, 131, 138, 139, 140, 141, 144, 145, 146, 147, 153, 154, 157, 158, 159, 160, 161, 162, 163, 164, 165 and 227 of the Municipal Code of 1902, as amended, be amended and supplemented as follows:

Mayor, election of, term, etc.

Sec. 129. The mayor shall be elected for a term of two years, and shall serve until his successor is elected and qualified. He shall be an elector of the corporation. The mayor shall be the chief conservator of the peace within the corporation. He shall appoint and have the power to remove the director of public service, the director of public safety and the heads of the sub-departments of the departments of public service and public safety, and shall have such other powers and perform such other duties as are conferred and required in sections 1746, 1747 and 1748 of the Revised Statutes of Ohio; such as are provided in this act, and all other acts or parts of acts applying to all cities of the state and not inconsistent herewith.

Director of public service and director of public safety, appointment and removal of.

Officers, appointment and removal of.

The directors and officers provided for in this act shall have the exclusive right, subject to the limitations herein prescribed to appoint all officers, clerks and employes in their several respective departments or offices and shall likewise, subject to the limitations herein prescribed, have sole power to remove or suspend any such officers, clerks or employes.

Duty of mayor and all officers to attend council meetings, when requested.

Sec. 131. It shall be the duty of the mayor, the directors and the several officers provided for in this act to attend the meetings of council when specifically requested by council so to do, and to answer at such time such questions relative to the affairs of the city under their respective management and control, as may be put to any of them by any member of the council.

Mayor's written recommendations to council.

The mayor shall make such recommendations in writing to the council for the welfare of the city as to him may seem wise.

Director of public service, appointment of.

Sec. 138. In every city there shall be a department of public service which shall be administered by a director of public service. The director of public service shall be an elector of the city, shall be appointed by the mayor and shall serve until his successor is appointed and qualified. He shall make rules and regulations for the administration of the affairs under his supervision.

Duties of director of public service.

Sec. 139. The director of public service shall manage and supervise all public works and undertakings of the city, except as otherwise provided by law and shall have all powers and perform all duties conferred by law upon the directors of public service or the board of public service, except as otherwise provided by law.

Repair of streets, etc.

Sec. 140. The director of public service shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, wharves, docks, landings, market houses, bridges, viaducts, aqueducts, sidewalks, play grounds, sewers, drains, ditches, culverts, ship channels, streams and water courses; the lighting, sprinkling and cleaning of all public places, the construction of public improvements and public works, except as provided in section 147 hereof, or as otherwise provided in this act.

Municipal water, lighting, heating, etc.

Sec. 141. The director of public service shall manage all municipal water, lighting, heating, power, garbage and other undertakings of the city, parks, baths, play grounds, market houses, cemeteries, crematories, sewage disposal plants and farms, and shall make and preserve surveys, maps, plans, drawings and estimates; and he shall supervise the construction and have charge of the maintenance of public buildings and other property of the corporation not otherwise provided for in this act and he shall have the management of all other matters provided by the council in connection with the public service of the city.

Contracts, how executed.

Sec. 144. All contracts made by the director of public service shall be executed by him in the name of the city, and a duplicate copy shall be filed in the office of the department of public service, and a copy with the auditor of the city, and no liability shall be created against the city as to any matters under the supervision of said director except by his express authority. No director of public service or officer or employe of said department shall be interested in any contract under its supervision. The director of public service shall keep a record of his proceedings, a copy of

Director shall not be interested in contract.

which, certified by the clerk of the department, shall be competent evidence in all courts.

Sub-departments, establishment of.

Sec. 145. The director of public service may establish such sub-departments as may be necessary and determine the number of superintendents, deputies, inspectors, engineers, harbor masters, clerks, laborers and other persons as may be necessary for the execution of the work and the performance of the duties of this department.

Department of public safety.

Director of public safety, appointment of.

Sec. 146. In every city there shall be a department of public safety which shall be administered by a director of public safety. The director of public safety shall be an elector of the city and he shall be appointed by the mayor and shall serve until his successor is appointed and qualified.

Duties of director of public safety.

Contracts, how executed.

Sec. 147. The director of public safety shall be the chief administrative authority of the fire, police, charity, correction and building departments and shall have all powers and duties connected with and incident to the appointment, regulation and government of these departments, except as otherwise provided by law. He shall make all contracts in the name of the city with reference to the management of these departments, and for the erection or repair of all buildings or improvements in connection with said departments and for the purchase of all supplies necessary for said departments, subject to the restrictions imposed by law.

Police stations, fire houses, etc.

He shall manage and make all contracts in reference to the police stations, fire houses, cemeteries, and reform schools, houses of correction, infirmaries, hospitals, work houses, farms, pest houses, and all other charitable and reformatory institutions now or hereafter established and maintained. And in the control and supervision of such institutions, said director shall be governed so far as consistent with this act by the provisions of sections 2050, 2051, 2052, 2053, 2053-1, 2053-2, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2081, 2092, 2093, 2094, 2099, 2100, 2102, 2105, 2106, 2165, 2168, 2169, 2171, and 2172, of the Revised Statutes of Ohio.

Rules and regulations.

Sec. 153. The director of public safety shall classify the service in the police and fire departments in conformity with the ordinance of council determining the number of persons to be employed therein, and shall make all rules for the regulation and discipline of such departments except as otherwise provided in this act.

Sec. 154. The director of public safety shall have power to make all contracts and expenditures of money for acquiring lands for the erection or repairing of station houses, police stations, fire department buildings, fire cisterns, and plugs that may be required, and for the purchase of engines, apparatus, and all other supplies necessary for the police and fire departments, and for all other undertakings and departments under the supervision of the department of public safety; provided that no obli-

gation involving an expenditure of more than five hundred dollars shall be created except when first authorized and directed by ordinance of council. In making, altering or modifying such contracts, the director of public safety shall be governed by the provisions of section 143 hereof, except that all bids shall be filed with and opened by the director of public safety.

Obligation involving expenditure of more than $500.00, ordinance required.

He shall make no sale or disposition of any property belonging to the city without first being authorized by resolution or ordinance of the city council.

Sale of property, ordinance required.

Sec. 154-*a*. The mayor, director of public service and director of public safety shall constitute the board of control. The mayor shall be ex-officio president. The board shall keep a record of its proceedings; all votes shall be by yeas and nays and entered on the record, and the vote of a majority of all the members of the board shall be necessary to adopt any question, motion or order. No contract in the department of public service or the department of public safety in excess of five hundred dollars shall be awarded except on the approval of the board of control, which shall direct the director of the appropriate department to enter into the contract. The members of the boards shall perpare estimates of the revenues and expenditures of their respective departments to be submitted to the council by the mayor, as provided in section 128 hereof.

Board of control, who to constitute.

Estimates, to be prepared by board members.

Sec. 154*b*. When bids are required to be filed for the letting of contracts by the director of public service or public safety, it shall be the duty of the city auditor or his chief deputy to attend and assist at the opening thereof and to inspect the same.

Competitive bidding, duty of city auditor as to.

Sec. 157. In all cities, the president of the board of education of the city school district in which the city is located, the president of the board of sinking fund commissioners, and the president of the council shall constitute a commission which shall appoint three resident electors of the city to be known as civil service commissioners. They shall be appointed for terms of three years and shall hold office until their successors are appointed and qualified, and may be removed by the appointing commission. In the event of removal, such appointing commission shall fill the vacancy caused by the removal by appointment for the unexpired term; provided, that the civil service commissioners first appointed hereunder shall be appointed one for one year, one for two years and one for three years. They shall hold no other positions in the public service, excepting in the schools and libraries.

Civil service commissioners, appointment of.

Sec. 158. The civil service shall be divided into classified and unclassified service. The unclassified service shall include the positions of officers elected by the people or appointed to fill vacancies in offices filled by popular election, or whose appointment is subject to confirmation by the council, or who are appointed by any state officer or by any court; employes of the council; persons who by law are to serve without remuneration; persons who are appointed to

"Classified and unclassified service," defined.

positions requiring professional or technical skill as may be determined by the civil service commission; persons appointed or employed to give instruction in any educational institution; persons appointed by any board or officers supervising elections; persons who as members of a board or otherwise, shall have charge of any principal department of the government of any city; the head or chief of any division or principal department of any city, relating to engineering, waterworks, street cleaning, or health; the chief of the police department; the chief of the fire department; the superintendent of any workhouse, house of refuge, infirmary, or hospital; the librarian of any public library; private secretaries; deputies in the office of the city auditor and city treasurer; all unskilled laborers, and such appointees of the civil service commission as they may by rule determine. The classified service shall comprise offices and places not included in the unclassified service.

Classified service.

Examination.

Sec. 159. All applicants for admission into the classified service shall be subjected to examination which shall be competitive, public and open to all residents of the city, with such limitations as to age, residence, health, habits and moral character as said commission may prescribe. The commission shall prepare rules and regulations adapted to carry out the purposes of this act with reference to the classified service of the city, which rules and regulations shall provide for the grading of offices and positions similar in character, in groups and divisions so as to permit the filling of offices and positions in the higher grades as far as practicable through promotions; and for public examinations to ascertain the fitness of all applicants for appointment in the classified service. Such applicants shall take rank upon the register as candidates in the order of their relative standing without reference to priority of examination. The result of the examination shall be accessible to all persons.

Promotions.

Appointments, how made.

Sec. 160. Appointments shall be made as follows: The appointing board or officer shall notify the commission of any vacancy to be filled. The commission shall thereupon certify to such board or officer the three candidates graded highest in the respective lists as shown by the result of such examination. Such board or officer shall thereupon appoint one of the three so certified. Grades and standings so established shall remain the grades for a period of six months, or longer if the commission so determine and in succeeding notifications of vacancies, candidates not selected may be dropped by the commission after having been certified a total of three times.

Grades to stand six months.

Report of appointing officer.

Sec. 161. It shall be the duty of each appointing officer of a city to report to the civil service commission forthwith, upon such appointment or employment, the name of such appointee or employee, the title, the character of his office, the date of the commencement of service, and the salary or compensation thereof, and such other information as the

commission may require in order to keep the roster herein mentioned.

It shall be the duty of said commission to prepare, continue and keep in their office a complete roster of all persons in the classified service of the city. This roster shall be open to inspection at all reasonable hours. It shall show in reference to each of said persons, his name, the date of his appointment to or employment in such service, his salary or compensation, the title of the place or office he holds, the nature of the duties thereof, and in case of removal or resignation the date of the termination of such service.

Roster to be kept, what to contain.

Sec. 162. Nothing in this act shall prevent the dismissal or discharge of any appointee by the removing board or officer, except that the chiefs and members of the police and fire departments shall be dismissed only as provided in section 152 of this act and the appeal therein provided to the board of public safety shall be made to the civil service commission as is therein provided and under such rules as the commission may adopt; provided, however, that no officer or employee within the classified service, who shall have been appointed under such rules, shall be removed, reduced in rank, or discharged, except for some cause relating to his moral character or his suitableness to perform the duties of his position, though he may be suspended from duty for a period not exceeding thirty days pending the investigation of charges against him. Such cause shall be determined by the removing authority and reported in writing, with a specific statement of reasons, to the commission, but shall not be made public without the consent of the person discharged. Before such removal, reduction, or discharge, the removing authority shall give such person a reasonable opportunity to know the charges against him and to be heard in his own behalf.

Dismissals.

Moral character or suitableness to perform duties, questions to be considered, before discharge, etc.

Sec. 164. The commission shall make such other rules and regulations as are not inconsistent with this act for the promotion and the betterment of the service. The council shall provide for the salaries, if any, of the commission, for such clerical force, examiners, necessary expenses and accommodations as may be necessary for the work of the commission.

Rules and regulations for betterment of service.

Sec. 165. To prevent the stoppage of public business or to meet extraordinary exigencies, as provided in this act, the mayor may make temporary appointments.

Temporary appointments.

Sec. 166. No officer, secretary, clerk, sergeant, patrolman, fireman or other employee serving in the police or fire departments of any city of the state at the time this act goes into effect shall be removed or reduced in rank or pay except in accordance with the provision of section 152 of this act.

Removal or reduction of certain officers, restricted.

Sec. 227. Council shall by ordinance or resolution, except as otherwise provided in this act, determine the number of officers, clerks and employes in any department of the city government, and shall fix by ordinance or resolution

Duty of council, as to determining number of officers, clerks, etc., together with their salaries.

their respective salaries and compensation and the amount of bond to be given for each officer, clerk or employe in any department of the city government, if any be required, and said bonds shall be made by such officer, clerk or employe with surety subject to the approval of the mayor of said city..

SECTION 2. That sections 129, 131, 138, 139, 140, 141, 144, 145, 146, 147, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 227 of the above entitled act of October 22, 1902, as amended and supplemented, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in full force on and after August 1, 1909, provided that all elected officers shall serve out the terms for which they have been elected, except that the provisions of sections 157, 158, 159, 160, 161, 162, 163, 164 and 165 shall be in full force and effect from and after January 1, 1910.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 29, 1908.

This bill was presented to the governor on April 9, 1908, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, May 12, 1908.

RANDOLPH W. WALTON,
Veto Clerk.
255G.

[House Bill No. 1336.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations, to pay authorized deficiencies.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies as herein specified, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general.....	$2,750 00
Salary of assistant adjutant general.....	916 67
Salary of assistant quartermaster general.....	916 67

Appropriations, to pay authorized deficiencies.

STATE HOUSE AND GROUNDS.

Material and repairs	$2,293 22
Electric wiring and conduits, basement state house	6,000 00
Decorating state house	604 10
Cement walks around McKinley monument	725 03

OHIO NATIONAL GUARD.

Purchase and improvement of camp grounds and rifle range	$2,350 00
Decorating state house, pay O. N. G. and incidental expense, on account death of Governor Pattison	1,636 25
Expense O. N. G. account flood Manchester and Aberdeen	1,338 70
Expense occasioned by floods at Chillicothe, Warrenton, Nelsonville, Glouster, Chauncy, Trimble and York township	5,591 52
Expense of troops at Lorain strike	1,627 95
Expense O. N. G. at McKinley memorial dedication	8,474 89
Subsistence, pay O. N. G. and incidental expense Bradley strike	24,694 47

STATE BOARD OF AGRICULTURE.

Suppression and prevention of diseases among live stock	$5,000 00

ATTORNEY-GENERAL'S DEPARTMENT.

Special counsel	$6,000 00
Stenographic work	600 00

AUDITOR OF STATE.

Salaries and expenses two public service corporation examiners	$1,603 42
Salary of inspector and examiner of departments of state	2,700 00

BOARD OF HEALTH.

General expenses	$4,000 00

BOARD OF PUBLIC WORKS.

Sluice gates Columbus dam	$3,000 00
Repairs to Miami and Erie canal	2,000 00
Repairing banks Hocking canal north of Logan	1,168 50
Investigating dynamite cases at St. Marys reservoir	1,630 34

Appropriations, to pay authorized deficiencies.

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$1,807 52

COMMISSIONER OF SOLDIERS' CLAIMS.

Clerk hire	$300 00

COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner	$708 30

EXECUTIVE DEPARTMENT.

Salary of secretary to the governor	$6,824 97
Salary of executive clerk	1,925 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	$26,062 00
State bindery	7,100 00

SUPREME COURT AND LAW LIBRARY.

Salary of assistant law librarian	$325 00

REPORTER OF SUPREME COURT.

Salary of the reporter	$1,875 00

OHIO STATE REFORMATORY.

Salaries of managers	$524 92
Erection of shop building	18,000 00

COLUMBUS STATE HOSPITAL.

Converting barn into cottage and building new barn and farm buildings and furnishings	$55,283 00
Electrical generating plant	7,660 00

DAYTON STATE HOSPITAL.

Ordinary repairs and improvements	$3,000 00
Dairy barn	2,000 00

LIMA STATE HOSPITAL.

Expenses of commission	$1,500 00

MASSILLON STATE HOSPITAL.

Rebuilding furnaces under four boilers and installing mechanical stokers	$4,000 00
For reservoir	4,820 00

Appropriations, to pay authorized deficiencies.

TOLEDO STATE HOSPITAL.

Heating plant	$21,988 00

GIRLS' INDUSTRIAL HOME.

Finishing and furnishing new cottage	$3,000 00
Finishing, furnishing and furniture for technical and industrial buildings	4,895 00
Steam heating and water connection	12,650 00

OHIO HOSPITAL FOR EPILEPTICS.

Ordinary repairs and improvements	$6,793 55

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Heating custodial buildings	$6,000 00

SOLDIERS' AND SAILORS' HOME.

Ordinary repairs and improvements	$5,500 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Fire escapes and fire protection	$6,500 00

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, MOTHERS, WIDOWS AND ARMY NURSES.

For wiring and fixtures for electric light	$1,519 15

OHIO STATE UNIVERSITY.

Tunnel for heating school of mines building	$5,500 00
Repairs chemical building, supplies and apparatus, equipment, furniture, account fire	12,000 00

MIAMI UNIVERSITY.

Electric lighting plant	$6,200 00

OHIO UNIVERSITY.

Central heating plant	$7,000 00
Engineers' fees, heating plant, Toledo state hospital	220 00

Appropriations, to pay authorized deficiencies.

Interest at the rate of four per cent. per annum, to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee, and the auditor of state..... $15,670 19

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 12, 1908.

ANDREW L. HARRIS,
Governor.
256G.

Appropriations, to pay unauthorized deficiencies, etc.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF THE GOVERNOR.

COLUMBUS, May 20th, 1908.

I file herewith in the office of the secretary of state, Amended House Bill No. 1346, with my approval, except as to the following items, which items are disapproved for the reasons hereinafter stated:

"To the Drake Coal Co. of Cleveland in full settlement and satisfaction of any and all claim against the state and the Ohio state reformatory on its contract to furnish coal to said reformatory from April 1st, 1905, to April 1st, 1906.....$523 23"

The facts, briefly stated, upon which my objection to this item is based, are as follows:

The board of managers of the reformatory entered into a contract with the Drake Coal Company to furnish coal required by the institution, at stipulated prices for the various grades, for the period of one year. The Drake Coal Company failed to deliver during the contract period, twenty-one (21) car-loads of coal, for which requisition had been made by the reformatory in strict compliance with the terms of the contract. The board of managers of the reformatory because of the necessities of the institution, were obliged to go into the open market and purchase these twenty-one car-loads of coal, after numerous requests upon the Drake Coal Company to supply them as per their requisitions and in accordance with the contract. For the twenty-one car-loads of coal which the board of managers were forced to buy in the open market, the institution was obliged to pay $523.23 more than they would have paid had the Drake Coal Company fulfilled its contract. The officials

Appropriations, to pay unauthorized deficiencies, etc.

of the reformatory accordingly deducted this amount in settling with the company. The superintendent of the reformatory is opposed to the allowance of the claim.

OHIO NATIONAL GUARD.

"To C. J. Bricker, Orrville, Ohio, for damage to horses .....$326 00"

This claim was refused by the adjutant general's department, the contract price for the hire of the horses was paid, and the horses were returned to the owner in as good condition as when received, as is shown by the statement of the veterinarian who was sent to examine them. These horses were hired for service during the encampment at Strasburg, August 12th to 20th, 1906, at the rate of $1.50 each per day. When camp was discontinued on or about August 20th, Mr. Bricker stated that two of the horses were lame and unable to travel from Strasburg to Orrville, and that they needed some rest and attention. Thereupon the state provided care for the animals until they were ready to be returned. For the time the horses were so cared for it is sought by this item to obtain payment at the rate of $2.00 per day for each horse, when the agreed price of hire was $1.50 per day. The adjutant general's department which made the contract and has knowledge of the facts protests against the allowance of this item, which is hereby also disapproved.

ANDREW L. HARRIS,
Governor.

I have this day made public the fact of the filing in my office of the above items of appropriation and written objections thereto.

May 21st, 1908.

CARMI A. THOMPSON,
Secretary of State.

[House Bill No. 1346.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1908.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1908, to-wit:

Appropriations, to pay unauthorized deficiencies, etc.

OHIO NATIONAL GUARD.

Quarterly pay enlisted men under act of March 23, 1904, as follows:

First Infantry.

Non-commissioned staff and band	$224 00
Company A	232 75
Company B	115 00
Company C	188 00
Company D	307 25
Company E	193 50
Company F	183 25
Company G	129 75
Company H	165 75
Company I	174 50
Company K	227 75
Company L	155 75
Company M	128 75

Second Infantry.

Non-commissioned staff and band	$186 00
Company A	169 25
Company B (Paulding)	269 00
Company B (Carey)	74 00
Company C	271 25
Company D	162 25
Company E	269 00
Company F	231 50
Company G	175 50
Company H	371 00
Company I	308 75
Company L	204 75
Company M	276 00

Third Infantry.

Non-commissioned staff and band	$218 50
Company A	115 50
Company B	181 75
Company C	173 50
Company D	209 00
Company E	122 25
Company F	209 75
Company G	306 25
Company H	110 00
Company I	227 00
Company K	125 25
Company L	153 00
Company M	108 00

Appropriations, to pay unauthorized deficiencies, etc.

Fourth Infantry.

Non-commissioned staff and band	$204 50
Company A	256 50
Company B	173 25
Company C	135 00
Company E	184 50
Company F	139 50
Company G	345 00
Company H	116 25
Company I	144 50
Company K	163 50
Company L	104 00
Company M	118 50

Fifth Infantry.

Non-commissioned staff and band	$267 75
Company A	160 00
Company B	178 00
Company C	52 50
Company D	378 00
Company E	114 00
Company F	160 75
Company G	167 75
Company H	125 75
Company I	224 75
Company K	168 50
Company L	143 00

Sixth Infantry.

Non-commissioned staff and band	$144 00
Company A	167 50
Company C	111 25
Company D	144 75
Company E	107 25
Company F	205 25
Company G	268 25
Company H	104 75
Company I	130 50
Company K	274 25
Company L	77 00
Company M	160 25

Seventh Infantry.

Band	$123 75
Company A	157 50
Company B	165 25
Company C	90 25
Company D	163 50
Company E	132 00
Company F	130 50

Appropriations, to pay unauthorized deficiencies, etc.

Company G	180 75
Company H	140 00
Company I	142 50
Company K	225 25
Company L	167 75
Company M	96 00

Eighth Infantry.

Band	$158 50
Company A	135 50
Company B	134 00
Company C	281 50
Company D	218 00
Company E	207 75
Company F	388 25
Company G	159 50
Company H	168 50
Company I	266 00
Company K	177 75
Company L	142 75
Company M	214 75

Ninth Infantry.

Band	$150 50
Hospital corps	55 50
Company A	120 75
Company B	215 75
Company C	230 75
Company D	253 50

Battalion of Engineers.

Non-commissioned staff, band, companies A, B, C and D	$784 25

Cavalry.

Troop A	$100 25
Troop B	203 50

Artillery.

First battery	$194 50
Second battery	157 50

Signal Corps.

First company	$157 75
Second company	125 00

Appropriations, to pay unauthorized deficiencies, etc.

Medical Department.

First hospital section	$151 00
Second hospital section	159 50
First ambulance company section	85 25
Second ambulance company section	154 75

General Service Corps.

Detachment of, second brigade	$84 50

Naval Militia.

First division, first battalion	$310 75
Second division, first battalion	310 25
First division, second battalion	112 25
Second division, second battalion	315 50
Transportation, subsistence, pay O. N. G., care military stores and freight and incidental expenses of camp	36,354 74
Company C, Eighth Infantry, O. N. G., in aid of civil authority, Canton, Ohio, September 29, 1907	147 46
Incidental expenses of military companies	220 67
Albert F. Dietz, private, Company I, Fifth Infantry, O. N. G., in full settlement of all claims for injuries received at Camp Pattison, August 12, 1906	75 00
Dr. A. E. Beddinger in full settlement of all claims for medical services rendered Private Albert F. Dietz, Company I, Fifth Infantry, O. N. G	25 00
William Koch, private, First Battery, Field Artillery, O. N. G., in full settlement of all claims for injuries received at Camp Pattison, August 12, 1906	318 85
Dr. G. I. Bauman in full settlement of all claims for medical services rendered Private William Koch, First Battery, Field Artillery, O. N. G	5 00
Julius A. Blasis in full settlement of all claims for expenses incurred for Private William Koch, First Battery, Field Artillery, O. N. G.	16 00
Harry Shetenhelm, private, Company K, Sixth Infantry, O. N. G., (H. B. 820), in full settlement of all claims for loss of eye sustained in line of duty, March 16, 1906	1,000 00
William Brewer, private, Company G, Seventh Infantry, O. N. G., (H. B. 669), in full settlement of all claims for injury to left shoulder received while in camp at Marietta, August 14, 1905	1,000 00

Appropriations, to pay unauthorized deficiencies, etc.

Drs. Gaston and Coleman in full settlement of all claims for medical services rendered Private William Brewer, Company G, Seventh Infantry, O. N. G..... 100 00

Samuel Brewer in full settlement of all claims for board, care, and maintenance of Private William Brewer, (Company G, Seventh Infantry, O. N. G.,) and family, August 19, 1905, until April, 1906..... 150 00

Samuel Gordon, private, Company B, Second Infantry, O. N. G., in full settlement of all claims for injuries received August 19, 1906, at Camp Pattison..... 550 00

William Zupp, private, Company D, Second Infantry, O. N. G., (H. B. 907), in full settlement of all claims for injuries received in line of duty, May, 1900..... 150 00

Birdie C. Hill in full settlement of all claims for nursing, care, attention, board, lodging and clothing furnished to Private Joseph Mahon, Company F, Fifth Infantry, O. N. G., from October 16th, 1905, to April 1, 1908, 127 weeks 1,270 00

Dr. Frank A. Stovering, in full settlement of all claims for medical services rendered Private Joseph Mahon, Company F, Fifth Infantry, O. N. G., September 17, 1905, to October 16, 1905..... 200 00

St. John's hospital, Cleveland, Ohio, in full settlement of all claims for hospital services rendered Private Joseph Mahon, Company F, Fifth Infantry, O. N. G., September 17, 1905, to October 16, 1905..... 50 72

John A. Clark in full settlement of all claims for compensation for the death of Corporal Charles Clark, Company D, Fifth Infantry, O. N. G., killed in Athens riot August 19, 1904 ..... 2,500 00

Major Arthur N. French in full settlement of all claims to reimburse for expenses, hospital and medical, paid for injuries received in line of duty at Camp Pattison, August 13, 1906 ..... 127 25

Myrtle M. Porter in full settlement of all claims for nursing and care of her husband, John E. Mosley, Company E, Seventh Infantry, O. N. G., August 24, 1903, to July 7, 1905, including compensation as the widow of the said John E. Mosley to June 15, 1907.... 1,000 00

It is hereby provided that before a warrant on the treasury drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said Myrtle

M. Porter is residing, and that the said trustee is hereby authorized to invest the said one thousand dollars in a home for the benefit of the said Myrtle M. Porter during her natural life; that at her death said property shall go to the heirs of the body of the said John E. Mosley; that in the event of the death of said heirs before that of Myrtle M. Porter, their mother, said property shall revert to and become the property of the state of Ohio.

To the minor heirs of John E. Mosley, Company E, Seventh Infantry, O. N. G., as follows:

Ethel L. Mosley	161 73
Marion F. Mosley	377 84
Harry C. Mosley	670 27

Compensation in full for the death of their father, the said John E. Mosley.

It is hereby provided that before a warrant on the treasury is drawn by the auditor of state a guardian shall be apointed for the said minor heirs of the said John E. Mosley, who shall invest and use the same for the benefit of said minor heirs, as provided by law; that in the event of the death of either of the said minor heirs before reaching legal age, any sum remaining in the hands of their guardian shall be passed to the credit of the remaining heir or heirs; that in the event of the death of all said heirs before reaching legal age, any sums of money or property whatsoever arising out of the funds paid by the state of Ohio to said minor heirs shall be paid over to the trustee of Myrtle M. Porter, their mother, to be held for her in trust during her natural life, and any balance of said funds remaining in the custody of said trustees shall revert to the state of Ohio on the death of the said Myrtle M. Porter.

Ray Niswender, private, Company G, Eighth Infantry, O. N. G., in full settlement of all claims for service at Camp Bushnell, Ohio, in May, 1898	8 84
To C. J. Bricker, Orrville, Ohio, for damage to horses	326 00
To Major R. W. Stewart, 1st Ambulance Co., Sec.	83 20
To Major H. H. Snively, 2d Ambulance Co., Sec.	214 30
To Major C. E. Drake, 2d Hospital Section	147 20
To Scott Stahl on account of legal services rendered adjutant general's department in full of such claim	1,243 25

Appropriations, to pay unauthorized deficiencies, etc.

STATE HOUSE AND GROUNDS.

Care and repair heating apparatus	$697 39
Electric current for light and power for state house	1,923 57
Material and repairs	1,761 16
Salaries of laborers	240 50

ATTORNEY-GENERAL'S DEPARTMENT.

Special counsel	$3,968 35
P. W. Durr, clerk of the courts, Hamilton, common pleas, cost in cases as follows:	
The State of Ohio vs. Stone, No. 121660	47 60
The State of Ohio vs. Mandary, No. 116011, and circuit court No. 4091	105 37
Miami and Erie canal contempt proceedings	136 88
H. J. Goodman, clerk of the courts, Ottawa, the State of Ohio vs. T. B. Walker, et al., No. 5528	361 15
S. Rosenthal and Company for printing briefs, Miami and Erie contempt proceedings, Hamilton, common pleas court, No. 10729	17 00
Frank Cook, official stenographer, taking depositions, the State of Ohio vs. International Text Book Company, No. 134803	83 85
Howard C. Park, clerk of the courts, Franklin, common pleas court costs in the following cases:	
The State of Ohio vs. Douglass, No. 45358 and circuit court No. 2136	126 76
The State of Ohio vs. Bussert, No. 53094	6 59
The Wheeling and Lake Erie Railroad vs. Railroad Commission, No. 52555	14 20
The Wheeling and Lake Erie Railroad vs. Railroad Commission, No. 52558	11 68

STATE BOARD OF AGRICULTURE.

Live stock commission, for horses affected with glanders, and by the commission ordered destroyed	$13,976 00
Cattle infected with tuberculosis and ordered destroyed	7,633 46
Swine exposed by infection of rabies and ordered destroyed	45 00

BOARD OF PUBLIC WORKS.

William Miller for damages caused by break in Ohio canal, March, 1907	$130 00
T. E. Cromley for damages caused by break in Ohio canal, March, 1907	270 00

Appropriations, to pay unauthorized deficiencies, etc.

J. W. Hedges for damages overflow culvert under Ohio canal	350 00
Peter Bauer for damages leakage Ohio canal, May, June and July, 1906	580 00
To pay damages caused by breaks in Miami and Erie canal, June, 1906, Hamilton county, as follows:	
Louis Pieper	600 00
T. S. Vorhees	500 00
Henry Santel	600 00
Fred Brocknyer	250 00
William Woods	250 00
Expense of commission	75 00
Expenses of commission investigating claims of J. T. Bogart, et. al., for damages caused by overflow Lewistown reservoir, July, 1904	416 66
Expense of commission investigating claim of H. H. Havens for damages caused by overflow Miami and Erie canal, 1905 and 1906, Montgomery county	21 55
H. H. Havens for damages caused by breaks Miami and Erie canal, Montgomery county, July, 1907	750 00
D. S. Myers for damages caused by breaks, Miami and Erie canal, Montgomery county, July, 1907	100 00
Expense of commission	122 30
Expense of commission investigating claims of James M. Cloud, et. al., for damages caused by overflow Lewistown reservoir, June and July, 1907	450 00
Expense of commission investigating claims of Henry E. Rable, et. al., for damages caused by overflow Loramie reservoir, July, 1907	158 06
Leonard Kuhlwein for damages overflow culvert under Ohio canal, June and July, 1907	200 00
Expenses of commission	30 10
J. L. Cochran for damages caused by overflow of Miami and Erie canal, Auglaize county, July, 1907	96 00
To pay damages by overflow of the aqueduct near Loramie, Ohio, July, 1907, as follows:	
William J. Sherman	25 00
Fred C. Arkenberg	189 40
John P. Stang	122 30
Benjamin Holtvogt	121 68
Joseph Kaiser	55 00
J. B. Borchers	150 00
Henry Harrod	147 60
Henry Sommers	85 20
George Fleckenstein	196 60
Henry Ticklenberg	50 80
John and Henry Arling	206 20

Appropriations, to pay unauthorized deficiencies, etc.

Expense of commission	69 24
Armstrong and Okey, official stenographers, hearings in canal damage claims as follows:	
James M. Cloud, et al., Lewistown reservoir	560 60
Tobias Walters, et al., Lewistown reservoir	258 35
H. H. Havens, et al., Miami and Erie canal	105 25
Henry Rable, et. al., Loramie reservoir	131 65
To Edwin I. Brown and Mary E. Brown, for damages on account of canal	5,000 00

COMMISSIONER OF COMMON SCHOOLS.

Contingent expenses	$124 98

OHIO CODIFYING COMMISSION.

Clerk hire, stenographers and incidental expenses (including rent of offices)	$320 00

BOARD OF HEALTH.

General expenses	$938 17

INSPECTOR OF WORKSHOPS AND FACTORIES.

Traveling expenses of chief inspector	$45 50

SUPERVISOR OF PUBLIC PRINTING.

State printing	$9,969 63

STATE HIGHWAY DEPARTMENT.

Treasurer Lake county, said county's proportion of forfeited check for $300.00 of C. R. Callaghan	$225 00
Salary of commissioner from June 30, 1904, to February 15, 1905	1,250 00

CLEVELAND STATE HOSPITAL.

Current expenses	$2,365 00

LONGVIEW HOSPITAL.

Current expenses	$12,000 00

STATE SCHOOL FOR THE BLIND.

Current expenses	$3,453 60
Ordinary repairs and improvements	255 47
Piano and school supplies	54 26

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$39 00
New cottage	1,293 00

MISCELLANEOUS.

Appropriations, to pay unauthorized deficiencies, etc.

The Cambridge Power, Light and Traction Company, excess corporation fee paid secretary of state	$200 00
The Alma Cement Company (H. B. 755) corporation fee erroneously paid secretary of state	2,680 00
The Sherbrook Distilling Company, corporation fee erroneously paid secretary of state	40 00
The Springfield Hardware Company excess corporation fee paid secretary of state	13 80
Treasurer, Village Manchester, (H. B. 1226) for excise tax erroneously paid by electric light plant of said village	24 92
The Citizens Telephone Company (Rutland) for excise tax erroneously paid to auditor of state	70 60
The Metropolitan Life Insurance Company for taxes erroneously paid into state treasury	982 16
The United Electric Company (H. B. 957) corporation fee erroneously paid secretary of state	84 80
The Cheshire Oil and Gas Company corporation fee erroneously paid secretary of state	1,697 68
The Richardson Oil and Gas Company, corporation fee erroneously paid secretary of state	44 09
For the relief of persons hereinafter named, who held unpatented grants of land in the "Virginia Military District of Ohio," and were compelled to surrender said lands to the Ohio State University, (H. B. 702), the following sums:	
To Charles Werden Deane	2,176 93
To Mary Elizabeth Utz, Charlotte W. Denise, Emma Woolley, Mary D. Woolley, Edgar M. Woolley, devisees and heirs at law of Richard Woolley, Senior, and Edgar M. Woolley and Amos G. Woolley, his surviving executors	355 60
A. F. Kriskaddon, clerk circuit court, Brown, for costs, The State of Ohio vs. John M. Markley	540 35
L. G. Cornell in full settlement of all claims for injuries received by convict at Ohio state reformatory	1,000 00
To pay costs to probate judges in inheritance tax cases as follows:	
E. M. P. Brister	17 25
F. W. Geiger	21 62
O. H. Hughes	10 88
W. S. Plum	9 01
D. L. Rockwell	15 27

Appropriations, to pay unauthorized deficiencies etc.

C. H. Nye		85
J. V. Hymes	10	74
R. J. Shawhan	24	33
R. L. Donley	6	30
C. C. Foos	3	93
E. L. Hoskins	3	66
T. B. Owen	5	53
M. Shoup	5	18
A. H. Haddon	8	74
C. A. Steuve	2	05
F. S. Nealy	8	00
C. F. Malsbary	14	86
A. D. Miller	7	79
R. L. Waite	14	35
W. W. Pennell	16	98
S. L. Black	98	12
S. L. Douglas expenses incurred in an action and in a proceeding in error of the State of Ohio vs. S. L. Douglas to recover possession of lands claimed by the state as canal lands (H. B. 959)	300	00
To the Hawkes hospital of Mt. Carmel on account of Mary Bernardo confinement	130	00
To the Drake Coal Co. of Cleveland in full settlement and satisfaction of any and all claim against the state and the Ohio state reformatory on its contract to furnish coal to said reformatory from April 1st, 1905, to April 1st, 1906	523	23
On account of select committee created and authorized under Senate Resolution 23 as follows:		
To Philip Roettinger, for legal services rendered in said investigation	2,200	00
To Frank M. Coppock, for legal services rendered in said investigation	1,700	00
To Graham P. Hunt, for legal services rendered in said investigation	1,700	00
To Jacob Shroder, for legal services rendered in the common pleas court of Hamilton county	600	00
To Jacob Shroder and Butler and Carlisle, for legal services rendered in the supreme court of Ohio	1,100	00
To the Third National Bank of Cincinnati, Ohio, to pay the note and discount on same, of Senators Drake, Schmidt, and Espy, for money borrowed to pay pressing claims for stenographers, experts, rent, etc., a schedule of receipts to be filed with the auditor of state, before the issuing of such warrant, showing to whom and for what purpose the amount borrowed from the bank was paid (less cash on hand)	2,998	10

Appropriations, to pay unauthorized deficiencies, etc.

To Bert S. Bartlow, for services.....	150 00
To the Robertson Realty Company, for rent of the premises occupied and used as a meeting place in conducting said investigation, due and unpaid, the sum of.....	565 30
To the clerk of the Hamilton county common pleas courts, costs in case 133768, application of Thos. J. Davies, habeas corpus....	19 06

SECTION 2. The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 20, 1908.

ANDREW L. HARRIS,
Governor.
257G.

[Senate Bill No. 455.]

AN ACT

To amend section 3897 of the Revised Statutes of Ohio, as amended April 25, 1904, relating to boards of education.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3897 of the Revised Statutes be amended to read as follows:

Number of members of board of education, in cities of more than 50,000 persons.

Sec. 3897. In city school districts, the board of education shall consist of not less than three members nor more than seven members elected at large by the qualified electors of such city school district, provided that in city school districts which at the last preceding federal census contained a population of more than 50,000 persons, the board of education shall consist of not less than two nor more than seven members elected at large by the qualified electors of such city school district, and of not less than two members nor more than twelve members elected from subdistricts by the qualified electors of their respective subdistricts, and, provided further that whenever the number of mem-

bers of the board of education in the school districts of cities which at the last or any subsequent federal census may have a population of more than 50,000 persons is changed under the provisions of this act, then such board of education shall consist of not less than three members nor more than seven members elected at large by the qualified electors of such city school district.

Duty of board as to prescribing boundaries of subdistricts.

Not later than the first day of June next after the passage of this act, the board of education of each city school district in which members have heretofore been elected from subdistricts and within three months after the official announcement of the result of each federal census, the board of education of each city school district shall prescribe the boundaries of the subdistricts or shall pass a resolution fixing within the limits prescribed by this act, the number of members of said board of education to be elected at large, and if any members of said board shall have been elected by subdistricts designating the subdistrict members to serve temporarily as members at large in accordance with the provisions of this act.

Boundary lines, specified.

Said subdistricts shall be bounded, as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, water courses, ward boundaries, voting precinct boundaries or present school district boundaries, and shall be as nearly equal in population as possible and shall be composed of adjacent and as compact territory as possible.

Whenever the number of members of the board of education of any city school district shall have been changed in accordance with the provisions of this act, then the members that have been elected at large shall serve the terms for which they have been elected, and if any members have theretofore been elected by sub-districts, and the number of members at large shall be increased, the proper number shall be chosen by lot from the sub-district members whose terms first expire to serve until the expiration of their terms, and the proper number shall be chosen by lot from the subdistrict members whose terms last expire to serve until the expiration of their terms. If the board of education consists of an even number of members, one-half shall be elected every alternate odd numbered year for four years, and if of an odd number of members then one-half plus one shall be elected in the year 1909, or four or a multiple of four years thereafter, and the remaining number in the year 1911 or four or a multiple of four years thereafter. At the expiration of their respective terms, their successors shall be elected for four years.

Election and term of office.

Whenever the number of members of any city board of education, in which heretofore any members had been elected by sub-districts, is changed in accordance with the provisions herein, then the office of subdistrict members in such city school district is hereby abolished.

Subdistricts, how numbered.

Subdistricts shall be numbered from one up, consecutively and members to be elected to the board of education

from sub-districts of odd numbers beginning with one shall be elected in the year 1911, and those elected from subdistricts of even numbers shall be elected in the year 1909, and at the expiration of their respective terms, their successors shall be elected for four years.

If the board of education shall fail to prescribe the boundaries of the subdistricts or pass the resolution as provided herein at the time or times herein specified, then and in that event the members who have been elected at large of such board so failing, shall, subject to the requirements of this act, forthwith prescribe the boundaries of the subdistricts or pass the resolution as herein required at the time or times herein specified. Members elected at large must be electors of the city school districts and members elected from subdistricts must be electors of the city subdistricts from which they are chosen or of the territory attached to the subdistrict for school purposes, and a removal from said subdistrict territory or city school district shall vacate said office. The number of members of the board of education shall not be changed except at the times herein provided.

Qualification of members.

SECTION 2. That said section 3897 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 20, 1908.

ANDREW L. HARRIS,
Governor.
258G.

[House Bill No. 940.]

AN ACT

To amend sections 1 and 2 of an act entitled, "An act to authorize municipal corporations to contract to have treated with oil, for the purpose of laying the dust on, and preserving the surface of, streets, avenues, alleys and public squares and places and roadways in public parks, and providing for the payment of the cost of such treatment by assessment on abutting property and from the corporation's funds." Passed March 8, 1906, relative to the treatment of streets with oil.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of an act entitled, "An act to authorize municipal corporations to contract to have treated with oil, for the purpose of laying the dust on, and preserving the surface of, streets, avenues, alleys and public squares and places and roadways in public parks, and providing for the payment of the cost of such treatment

by assessment on abutting property and from the corporation's funds," passed March 8, 1906, be amended so as to read as follows:

Streets, oiling of, authorized.

Sec. 1. Cities and villages shall have authority to treat with oil, for the purpose of laying the dust on, and preserving the surface of, streets, alleys, squares and public roadways. Whenever the council of any city or village desires to have such work performed by contract, it shall pass an ordinance declaring its intent so to do, and in villages the council shall contract and in cities the council shall direct the board of public service to contract, for a period named, not exceeding five years, with any person or corporation for treating with oil the streets, alleys, lanes, squares and public roadways and places, such contract to include all the districts established as hereinafter provided during the entire term of said contract. Such contract shall be made in accordance with the general laws governing municipal contracts, except that the requirement of section 45 of an act "to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as provided by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent therewith," passed October 22, 1902, that a certificate that the necessary money is in the treasury shall not apply to such contracts, nor shall the provision of section 1691 of the Revised Statutes (revision 1880) apply to any such contract.

Contracts, how made.

Districts, establishment of.

Sec. 2. Districts within which the streets, alleys and roadways shall be treated with oil, for the purpose of laying the dust thereon and preserving the surface thereof, may be established as follows:

Petition of abutting property owners.

1. When a written petition signed by the owners of a majority of the abutting feet of property on any street or alley, or part thereof, or of connecting or intersecting streets or alleys, or parts thereof, having a roadway area of not less than five thousand square yards, is presented to the board of public service in any city or the council in any village, praying that the roadways within the territory described be treated with oil for the assessment of the whole cost thereof on the property abutting such streets or alleys, the board or council shall forthwith declare, by resolution, such territory to be a district within which the roadways will be treated with oil, for a period named in the petition and not exceeding the life of the contract, and the cost thereof assessed upon the property abutting the streets or alleys therein by the abutting foot.

Assessment of costs.

2. When, in the opinion of the board of public service in any city or of council in any village, the treatment with oil, for the purpose of laying the dust on and preserving the surface of the roadways of any public park or parks, or of any street or alley, or part thereof, or of connecting or intersecting streets or alleys, or parts thereof, having a road-

way area of not less than five thousand square yards, will be of general benefit within the corporation, the board of council may declare by resolution such park or parks, or the territory including such street or alley, or part thereof, or intersecting or connecting streets or alleys, or parts thereof, to be a district within which the roadways shall be treated with oil, for a period named in the resolution and not exceeding the life of the contract, the whole cost, or such portion thereof as may by the board or council be deemed just, to be paid by the corporation, and any remainder of the cost to be assessed by the abutting foot on the property abutting the streets or alleys in such district provided, that there shall be no assessment levied on any property in excess of fifty per cent. of the whole cost, except where petitioned for, as hereinbefore provided.

Resolution of board or council.

Assessment, not to exceed 50% of cost.

SECTION 2. That sections 1 and 2 of an act entitled, "An act to authorize municipal corporations to contract to have treated with oil, for the purpose of laying the dust on, and preserving the surface of, streets, avenues, alleys and public squares and places and roadways in public parks, and providing for the payment of the cost of such treatment by assessment on abutting property and from the corporation's funds," as passed March 8, 1906, be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 20, 1908.

ANDREW L. HARRIS,
Governor.

259G.

[Senate Bill No. 559.]

AN ACT

To supplement "and amend section 3283 of the Revised Statutes of Ohio by providing for the appropriation of rights of way and erection of necessary supports for elevated tracks over public grounds, commons, landings or wharves, public roads, streets, alley, way or grounds, by the consent of council or appropriation proceedings," and for the purpose of abolishing grade crossings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3283 of the Revised Statutes be supplemented and amended so as to read as follows:

Sec. 3283. If it be necessary, in the location of any part of a railroad owned or operated by a domestic or foreign corporation to occupy with a surface or elevated track, with the necessary supports therefor, any public road,

street, alley, way or ground of any kind, or any part thereof, the municipal or other corporation or public officers or authorities, owning or having charge thereof, and the company, may agree upon the manner, terms and conditions upon which the same may be used or occupied, and in the event of the occupancy of any such ground with an elevated track such agreement shall specify the number, character and location of all supports for such track, any part of which shall be upon such public ground, and the vertical and longitudinal clearances between such supports, and if the parties be unable to agree thereon, and it be necessary in the judgment of the directors of such company, to use or occupy such road, street, alley, way or ground, or any part thereof, for surface tracks, or for crossing with an elevated structure when no piers, supports or obstructions are to be placed therein, such company may appropriate so much of the same as may be necessary for the purposes of its road, in the manner and upon the same terms as is provided for the appropriation of the property of individuals; but every company which lays a track upon or over any such street, alley, road or ground, or part thereof, shall be responsible for injuries done thereby to private or public property lying upon or near to such ground, which may be recovered by civil action brought by the owner before the proper court, at any time within two years from the completion of such track. Provided, that nothing in this act contained shall be construed as authorizing the grant of the right to occupy any public street, avenue, or alley, longitudinally by an elevated track, except in so far as the same may be necessary to accommodate a curve in the line of the elevated track, and in that case no supports shall be placed in the roadway of the street, avenue, or alley, between the curb lines thereof, and in no case shall such longitudinal occupancy of the street, avenue, or alley exceed three hundred (300) feet in length.

Agreement as to elevated track, what to specify.

Appropriation of property.

Time within which to bring damage suit, specified.

Longitudinal occupancy, limited.

Sec. 3283*a*. If it be necessary, in the judgment of the board of directors of any domestic or foreign corporation owning or operating a railroad wholly or partly within the state of Ohio, to use and occupy for an elevated track any portion of any public ground lying within the limits of any municipality and dedicated to the public for use as a public ground, common, landing or wharf, or for any other public purpose, excepting all streets, avenues, alley, or public road, such company may appropriate an easement over so much of such ground as may be necessary for such purpose, including the right to maintain the necessary piers and supports for said elevated track; but such appropriation shall be limited to such an easement as is necessary for the construction, maintenance and uses of such elevated track, in accordance with the plans hereinafter provided for. Proceedings for such appropriation shall be conducted in the manner provided in title II, chapter 8, part 3, of the Revised Statutes, so far as the same may be applicable thereto, but before any appropriation may be made hereunder there

Appropriation of easement, in certain cases.

must be submitted to the council of the municipality general plans of the proposed structure showing the manner, character and location of all supports, any part of which will be upon such public ground, common, landing or wharf, and showing the vertical and longitudinal clearances between the supports; and no right to appropriate shall accrue to the railroad company until after said company and the council shall have agreed upon the manner, terms and conditions upon which the property may be used or occupied and the plans submitted shall have been approved by ordinance duly passed by a two-thirds vote of council, but that such appropriation shall not be restrictive of the control by the public officers or authorities over such public ground, common, landing or wharf, subject to the continued maintenance and use of such elevated track upon the terms and conditions agreed upon, and such ordinance shall be read on three separate days and the rules requiring such reading shall not be suspended.

Plans, submitting of, to council.

Appropriation, not to restrict control by public authorities.

Sec. 3283-1. That the power and authority are hereby given to any municipal corporation, whenever the same is deemed and declared necessary by two-thirds of the members of the council thereof and the mayor approving, to grant the right, by ordinance duly passed, to any railroad company operating a steam railroad in such municipality to place and maintain any necessary piers, or other stays or supports, in any street or way thereof, when the same are provided for and included in the plans and specifications prepared for the abolishment of grade crossings therein under the provisions of an act entitled "An act to abolish grade crossings in municipal corporations," passed May 2nd, 1902, and all acts supplementary thereto and amendatory thereof. Every railroad to whom a grant has been made by any municipal authority as herein provided shall notify in writing the authorities making the grant of its rejection or acceptance of the grant at a time fixed by such authorities at the time of making the grant. And if after a grant has been made as provided herein, and accepted by any railroad, there shall, within sixty (60) days after such acceptance, be filed with the mayor of the city or village making such grant a petition protesting against such grant and signed by such a number of the electors of such city or village qualified to vote at the last preceding general election, as equals ten (10) per cent. of the number of votes cast for mayor at the last preceding election for mayor he shall certify such fact to the proper election officials. The officials in charge of such general election shall, in accordance with the statutes relating to elections, arrange and provide for and conduct the submission of such question to the said electors. The question whether such grant shall be made shall be submitted to the electors of such city or village at the next succeeding general election occurring more than thirty (30) days after the expiration of said sixty (60) days. The ballots at such election shall read "Elevated Railroad Grant,—Yes", "Elevated Railroad

Abolishment of grade crossings.

Notice, by company, as to rejection or acceptance.

Petition of protest, to be signed by 10% of electors.

Question, when submitted, to electors.

Grant.—No". and if at such election a majority of the votes cast on such question shall be against said grant, the same shall be ineffective and void.

SECTION 2. That section 3283 of the Revised Statutes be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.

This bill was presented to the governor May 9, 1908, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, May 22nd, 1908.

RANDOLPH W. WALTON,
Veto Clerk.
260G.

[Senate Bill No. 610.]

AN ACT

To amend sections 3691-25, 3691-27 and 3692 of the Revised Statutes of Ohio, and to provide for the reorganization of the Ohio state board of agriculture.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3691-25, 3691-27 and 3692 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3691-25. Not later than May 15 the governor shall appoint, by and with the advice and consent of the senate, ten persons who shall constitute a board to be known as "The Ohio State Board of Agriculture" whose term of office shall be for five years, except that of those first appointed under this act, two, each, shall hold office respectively for one, two, three, four and five years from February 1, 1908; the terms to be fixed by the governor in their commissions; and thereafter the governor shall annually appoint two members. The governor shall have the power and right to remove a member or members at any time. In case any vacancy shall occur in the board an appointment shall be made by the governor for the unexpired term. The members of the board shall be paid their necessary expenses while engaged in the discharge of their official duties, but they shall not receive compensation for their services. Each and all of the members of said board shall be citizens and electors of the state of Ohio and shall have practical knowledge and experience in farming and agricultural pursuits and well qualified to perform the duties imposed upon them.

"The Ohio State Board of Agriculture," appointment and term of.

Removal of members.

Vacancy, how filled.

Compensation of members.

Qualifications of members.

Immediately upon the appointment of such board the governor shall cause an inventory of the property of such board to be made as well as an examination and audit of the accounts of such board for the past two years.

Inventory and audit of accounts.

All receipts from whatever source received by such state board of agriculture shall be immediately turned into the treasury of the state to the credit of the fund of the state board of agriculture as provided by law for other state institutions, and all expenditures shall be made on the recommendations of the majority of the members of such board and paid out of the state treasury on requisitions upon the auditor of state signed by the president and secretary of said board; provided, that whenever it becomes necessary to pay out premiums and the expenses of conducting a state agricultural exhibition, the board may retain from its receipts a sufficient sum therefor, and pay such premiums and such expenses therefrom on vouchers of the secretary and shall thereafter immediately certify the balance in its hands into the state treasury, rendering an account of such premium payments, and the expenses of conducting such agricultural exhibition, as provided in section 2 hereof. Within five days after the appointment of the Ohio state board of agriculture,

Receipts and expenditures.

State agricultural exhibition, expense, how paid.

Organization of board.

Salary of secretary.

Other officers, appointment of.

and annually thereafter in the month of January, it shall organize by electing a president and a treasurer who shall be members of the board and by the appointment of a secretary who shall be an elector of the state. The secretary shall receive a salary to be fixed by the board and his necessary expenses in performing his official duties. The board shall have power to appoint such other officers, clerks, agents, inspectors and employes as it may deem necessary and to fix their compensation.

Responsibility of board.

Duties.

Ratification, when to become effective.

Sec. 3691-27. The Ohio state board of agriculture, when organized under the provisions of this act, shall succeed the Ohio state board of agriculture created by an act of the general assembly passed February 28, 1846, and shall exercise all the powers and privileges, and perform all the duties heretofore exercised and performed, and assume all the responsiblities conferred or attempted to be conferred upon said last named board by acts of the general assembly; but said board shall in no wise control the apportionment of directors of any county agricultural society; and the board so organized under the provisions of this act shall immediately enter and perform the duties heretofore imposed or attempted to be imposed upon the board of which it is the successor, and shall take up and complete the work being performed at the time this act takes effect by the board created by the act of February 28, 1846, and all the acts and things heretofore done by said last named board in the discharge of their official duties, are hereby authorized, ratified and confirmed by the general assembly, which ratification shall become effective upon the filing by the auditor of state with the governor of a certificate that the accounts of the board have been audited by certified accounts for the past two years and found correct, as above provided.

Annual meeting.

Purpose of annual meeting.

Sec. 3692. There shall be held in the city of Columbus annually on the first Thursday after the second Monday in January, a meeting of the Ohio state board of agriculture, together with the presidents of county agricultural societies organized under the laws of the state and conducted under the rules of the Ohio state board of agriculture, and holding fairs as provided in section 3698 of the Revised Statutes of Ohio, or the duly authorized delegates therefrom, for the purpose of deliberation and consultation as to the wants, prospects and conditions of agriculture throughout the state; and at such meeting the several reports from the societies shall be delivered to the president of the state board of agriculture; provided that in any county having no agricultural society, organized and conducted under the laws of the state and rules of the Ohio state board of agriculture, the presidents of the farmers' institutes of the county, and holding meetings under the auspices and by the direction of the Ohio state board of agriculture, or a majority thereof, are hereby authorized and empowered to choose a representative to the annual meeting, who shall upon presentation of the proper certificate be entitled to all the privileges conferred on representatives from county agricultural societies. At this annual

Farmers' institutes, power of presidents to choose representatives.

meeting there may be recommended to the governor for appointment two persons in accordance with the rules adopted by said meeting, and the governor shall have authority to appoint the persons recommended at such meeting, and shall appoint either those so recommended or others in their stead, provided the persons appointed, whether so recommended or not, shall possess the qualifications required by this act. Such board so appointed shall take possession of all the property, assets, records and books of such existing board, and the attorney-general shall at once proceed to secure a conveyance of such real and personal property to the state of Ohio.

Board to take possession of all property, etc.

SECTION 2. The board shall file a verified itemized quarterly statement of all its receipts and expenditures from every source on the first day of January, April, July and October with the auditor of state.

Quarterly statement.

All disbursements made shall be by itemized vouchers upon the auditor of state, and all receipts shall be deposited with the treasurer of state in the same manner as is now required of all other officers, boards and commissions of the state.

Disbursements, how made.

SECTION 3. That said original sections 3691-25, 3691-27 and 3692 of the Revised Statutes of Ohio be and the same are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.

261G.

LOCAL LAWS

[House Bill No. 807.]

AN ACT

To authorize immediate construction of a hospital at the Girls' Industrial Home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The board of trustees of the girls' industrial home is authorized and directed to employ at once an architect and to proceed to the immediate construction and equipment of a suitable and adequate hospital at the girls' industrial home.

SECTION 2. For the purpose of carrying out the provisions of this act, the sum of thirty thousand dollars is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay for the erection and equipment of said hospital.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed January 24, 1908.
Approved January 24, 1908, 2:40 o'clock p. m.

ANDREW L. HARRIS,
Governor.
1L.

[Senate Bill No. 371.]

AN ACT

To authorize the election of two additional judges in the first judicial district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected, in the first judicial district of Ohio, by the electors thereof, under and in pursuance of the general election laws of the state governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday of November, A. D. 1908, and every six years thereafter, two judges of the court of common pleas for the first judicial district, in addition to the number heretofore provided by law for said district. Said additional judges shall be elected for the term of six years. Their term of office shall begin on the first of January next after their election.

They shall exercise the same powers and jurisdiction and shall perform the same duties as other judges of the common pleas court; shall receive the same compensation as other common pleas judges of said district.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
2L.

[House Bill No. 896.]

AN ACT

Providing for the election of one additional judge in the third sub-division of the fifth judicial district.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected in Franklin county, the third sub-division of the fifth judicial district, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1908, and every six years thereafter, one judge of the court of common pleas for the fifth judicial district, in addition to the number heretofore provided by law for said district. Said additional judge shall reside in Franklin county, and shall be elected for the term of six years. His term shall begin on the first day of January next after his election. He shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas; and shall receive the same compensation as is provided by law for other judges of the court of common pleas in Franklin county.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 25, 1908.
Approved February 26, 1908.

ANDREW L. HARRIS,
Governor.
3L.

[House Bill No. 965.]

AN ACT

Making appropriations for the Miami University, the Ohio University, the state normal school or college of the Ohio University, the state normal school or college of the Miami University, the Ohio State University, and for the normal and industrial department of the Wilberforce University.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami university fund" not otherwise appropriated for the last three-quarters of the fiscal year ending November 15, 1908, and the first quarter of the fiscal year ending November 15, 1909, the sum of sixty thousand dollars ($60,000) or as much as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Miami university according to law.

SECTION 2. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1908, and for the first quarter of the fiscal year ending November 15, 1909, the sum of sixty thousand dollars ($60,000) or as much as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio university according to law.

SECTION 3. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1908, and for the first quarter of the fiscal year ending November 15, 1909, the sum of forty thousand dollars ($40,000) or as much as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Ohio university according to law.

SECTION 4. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Miami normal school fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1908, and for the first quarter of the fiscal year ending November 15, 1909, the sum of thirty thousand dollars ($30,000) or as much as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the state normal school or college of the Miami university according to law.

SECTION 5. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the Ohio state university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1908, and for the first quarter of the fiscal year ending November 15, 1909, the sum of four hundred thousand dollars ($400,000) or as much as may come into the treasury to the credit of said fund; to be applied to the uses and purposes of the Ohio state university according to law.

SECTION 6. That there be and is hereby appropriated from any moneys coming into the state treasury to the credit of "the normal and industrial department of the Wilberforce university fund" not otherwise appropriated, for the last three-quarters of the fiscal year ending Novem-

ber 15, 1908, and for the first quarter of the fiscal year ending November 15, 1909, the sum of thirty thousand dollars ($30,000) or as much as may come into the treasury to the credit of said fund to be applied to the uses and purposes of the normal and industrial department of the Wilberforce university.

SECTION 7. That the different appropriations hereinbefore provided for are made in accordance with the provisions of House Bill No. 45 and House Bill No. 665, passed April 2, 1906, presented to the governor April 3, 1906, and filed in the office of the secretary of state, April 16, 1906.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed February 28, 1908.
Approved February 28, 1908.

ANDREW L. HARRIS,
Governor.

4L.

[Senate Bill No. 341.]

AN ACT

Relating to powers of the board of trustees of the Toledo state hospital.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of trustees of the Toledo state hospital be and they are hereby authorized and empowered to lease or to grant and convey a right of way for a main and side track on and through the lands owned by the state of Ohio and situated in Lucas county, Ohio, and known as the Toledo state hospital lands, to The Toledo Urban & Interurban Railway Company, said right of way being fully described as follows, to-wit: A strip of land forty feet wide, over and across that part of the west thirty-seven and ninety-two one-hundredths chains of the northwest quarter of section sixteen, town three, United States reserve of twelve miles square at the foot of the rapids of the Miami of Lake Erie, lying south of Detroit avenue, said strip lying southerly of, parallel with and adjoining said Detroit avenue. And in addition to said right of way, the board of trustees of the Toledo state hospital be and they are hereby authorized and empowered to lease or grant to the said railway company the necessary grounds on which to erect a station house for the transaction of the business of the railway company; provided further that said right of way and grounds for station purposes shall be used for such railroad purposes only and subject to such conditions and upon such terms as the trustees of said institution may exact when granted. Said railway company, its successors or assigns, shall pay for the use of such grounds and said right of way, or the lease thereof, such price as may be agreed upon between said railway company and said board of trustees, and all such moneys shall be paid into the state treasury to the credit of the said Toledo state hospital. All leases, grants or agreements made under the provisions of this act shall be prepared by

the attorney general of the state, and shall state the purpose or purposes for which the said land is to be used, and shall contain a condition that if any installments of money therein agreed to be paid shall not be paid at the time specified or within ten days thereafter, whether a demand therefor shall or shall not be made, said lease shall, at the option of the board of trustees, become null and void as against the state of Ohio, and the lessee or grantee so in default, its successors or assigns, shall yield up the possession thereof to said board of trustees or its agent, and the same may thereupon be leased or granted, to any person, firm or corporation, upon the same conditions as are herein provided for in other cases.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 5, 1908.
Approved March 5, 1908.

ANDREW L. HARRIS,
Governor.
5L.

[House Bill No. 1224.]

AN ACT

For the relief of sufferers from fire at a public school in Collinwood, Ohio.

WHEREAS, on the 4th day of March, 1908, over one hundred and sixty-five (165) school children lost their lives and scores of children were injured in a fire which broke out at Lake View school, Collinwood, Ohio.

WHEREAS, the parents of most of the children losing their lives, or injured as aforesaid, are in destitute circumstances;

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That for purposes hereinafter stated there is hereby appropriated out of any moneys to the credit of the general revenue fund, not otherwise appropriated, the sum of twenty-five thousand ($25,000) dollars.

SECTION 2. The governor of the state shall forthwith appoint a commission of three persons which shall be known and designated as the "Collinwood school fire relief commission," and shall organize by electing one of their number as president and one of their number as secretary.

SECTION 3. The Collinwood school fire relief commission shall meet at Collinwood, Ohio, within ten (10) days after its appointment, examine carefully the list of applications of needy sufferers from the said fire.

SECTION 4. If said commission is satisfied that any applicant is a needy sufferer, as aforesaid, they shall issue an order to such applicant

in such sum as they find needed, not to exceed $100 for each child so losing his or her life, or injured, to be paid out of the appropriation herein provided for and on the warrant of the auditor of state.

SECTION 5. Said Collinwood school fire commission shall complete its labors within sixty days after its appointment and shall make a report of its work to the governor within ten (10) days thereafter.

SECTION 6. The members of said commission shall receive no compensation for their services but, upon presentation of properly certified and itemized statements of necessary expenses incurred in the performance of their duties, the auditor of state shall issue a warrant for such necessary expenses to be paid out of the appropriation herein provided.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 6, 1908.
Approved March 6, 1908.

ANDREW L. HARRIS,
Governor.
6L.

[House Bill No. 1038.]

AN ACT

To change the name of the Institution for the Education of the Deaf and Dumb, and to extend the time which pupils may remain in said school.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 659, 660 and 661 of the Revised Statutes and section 1 of an act entitled, "An act to provide for the education of the children in the state of Ohio, who are both blind and deaf," passed March 30, 1898, be amended to read as follows:

Sec. 659. The state school for the deaf shall be open to receive such persons too deaf to be educated in the public schools, residents of the state, as the trustees and superintendent judge, from reliable information and examination, to be suitable persons to receive instruction, according to the methods therein employed; but no person shall be received under seven years of age or remain there longer than thirteen years; and no person shall be received who is addicted to immoral habits, or has any contagious or offensive disease.

Sec. 1. The state school for the deaf shall also be open to receive such blind and deaf children, residents of the state, as the trustees and superintendent judge, from reliable information and examination, to be suitable persons to receive instruction therein; and the superintendent is hereby authorized to employ a suitable teacher or teachers, and nurse or nurses, and to make all necessary arrangements for the instruction and care of such blind and deaf children as may be admitted. All rules and regulations which apply to the admittance and education of the deaf shall apply to the blind and deaf so far as the same are applicable, except the board of trustees may use their own discretion as to the age such deaf-blind may be received and the time they may remain as pupils.

Sec. 660. The pupils admitted into the state school for the deaf may be permitted to remain such a portion of thirteen years as their progress seems to justify; but if at any time the board of trustees and superintendent determine that the child is not making sufficient progress in its school, or industrial work, to justify its continuance as a pupil, they may return it to its parents, guardian, or the county infirmary of the county from which it came; but no pupil admitted into said state school from a county infirmary or who after admission into said state school shall become a county charge, shall be sent to a county infirmary for the summer vacation.

Sec. 661. Shoemaking, printing, book-binding, and the art of cutting, fitting and making wearing apparel for females, shall be carried on and taught in said state school for the deaf, and such other trades and arts as are found to be adapted to the capacities and wants of the deaf, the trustees in this behalf having regard to the good of the pupils and the economical administration of the school.

SECTION 2. That said sections 659, 660 and 661 and said section 1 are hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed March 31, 1908.
Approved March 31, 1908, at 5:00 o'clock p. m.

ANDREW L. HARRIS,
Governor.
7L.

[House Bill No. 743.]

AN ACT

To compensate Louis Ocker, of Erie county, Ohio, for services rendered.

WHEREAS, On the 21st day of April, 1898, Louis Ocker, of Erie county, Ohio, enlisted as a private in Company "B," 16th Regiment, O. N. G., at Sandusky, Ohio, under Captain Charles E. Stroud, and was honorably discharged therefrom on the 9th day of May, 1898, on account of being unavailable under general orders No. 11, S. 1898, and,

WHEREAS, At the time said Louis Ocker was discharged as aforesaid, his name, by some neglect, was omitted from the payroll of said company, and no payment was ever received by him for services for such term of enlistment, and,

WHEREAS, There is no appropriation made or funds on hand from which payment can be made for said services, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The auditor of state is hereby authorized and directed to issue his warrant on the state treasurer to pay Louis Ocker the sum of twenty-eight dollars; and for that purpose there is hereby appropriated the sum of twenty-eight dollars from any money in the state

treasury to the credit of the general revenue fund, not otherwise appropriated; which sum, when paid, shall be in full settlement of all claims, with interest against the state on account of the services aforesaid.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 2, 1908.
Approved April 3, 1908.

ANDREW L. HARRIS,
Governor.
8L.

[Senate Bill No. 390.]

AN ACT

To authorize the election of one additional judge in the third subdivision of the Eighth Judicial District.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be elected in the third subdivision of the Eighth Judicial District of Ohio, composed of the counties of Jefferson, Harrison and Tuscarawas, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio, governing the election of judges of the court of common pleas, at the regular state election on the third day of November, A. D. 1908, one judge of the court of common pleas in addition to the judges heretofore provided for by law for said third subdivision of said Eighth Judicial District. Said additional judge shall be elected for the term of six years, commencing on the first day of January, 1909, and he shall have all the powers, and be subject to all the obligations, and shall perform all the duties pertaining to said office of judge of the common pleas court, and vacancies, if any shall occur in his office shall be filled as now provided by law.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 6, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
9L.

[House Bill No. 862.]

AN ACT

For the relief of Conley E. Guilford, treasurer of Fulton county, Ohio.

WHEREAS, On the night of January 12, 1905, the treasurer's office of Fulton county, Ohio, was entered by burglars, who destroyed the vault and safe therein contained, and took therefrom cash to the amount of $10,714; and,

WHEREAS, Conley E. Guilford, treasurer of said county, has since recovered from The Fidelity and Casualty Insurance Company, of New York, $10,000.00, and from the government of the United States, for mutilated currency found after said burglary, the sum of $12.50, leaving a net loss of $701.50; and,

WHEREAS, Conley E. Guilford, treasurer of said county, has paid into the treasury of said county, from his private funds the amount of said loss sustained by reason of said burglary, and has since deceased; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the commissioners of the county of Fulton be, and they are, hereby authorized to allow a bill to Frank R. Guilford, administrator of the estate of said Conley E. Guilford, for said amount of $701.50, and the county auditor is hereby authorized to issue an order on the treasurer of said county for said sum, the same to be charged to the county fund of said county.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
10L.

[Senate Bill No. 292.]

AN ACT

To authorize the commissioners of Jefferson county, Ohio, to improve and beautify the court house grounds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Jefferson county, Ohio, are hereby authorized to improve and beautify the court house grounds in Steubenville, Ohio, at an expense of five thousand dollars, that said sum shall be expended to assist in the erection of a statue to the great war secretary, Hon. Edwin M. Stanton, at the place of his nativity, in accordance with plans, and specifications for the same adopted by and under the direction of the trustees of The Stanton Monument

Association, a corporation duly organized under the laws of the state of Ohio, for the purpose of the erection of said statue.

SECTION 2. That when said statue is completed and dedicated, the care, custody and control thereof shall vest in said county commissioners and their successors in office.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 8, 1908.
Approved April 9, 1908.

ANDREW L. HARRIS,
Governor.
11L.

[House Bill No. 928.]

AN ACT

To amend section 9 of an act entitled, "An act to reorganize and change the name of the Ohio agricultural and mechanical college and to repeal certain acts therein named," passed May 1, 1878, as amended March 16, 1894, relative to the compensation of president, professors, teachers and employes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9 of an act entitled, "An act to reorganize and change the name of the Ohio agricultural and mechanical college, and to repeal certain acts therein named," passed May 1, 1878, as amended March 16, 1894, be amended so as to read as follows:

Sec. 9. That said board of trustees shall fix the compensation of the president, professors, teachers and all other employes of the university.

SECTION 2. That said original section 9, as amended March 16, 1894, be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 14, 1908.
Approved April 15, 1908.

ANDREW L. HARRIS,
Governor.
12L.

[Senate Bill No. 572.]

AN ACT

To dedicate for public park and pleasure resort purposes, the new reservoir that is being constructed by the state board of public works, in Coventry township, Summit county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the body of water and exterior state lands adjacent thereto that are included in the new reservoir that is being constructed by the state board of public works in Coventry township, Summit county, Ohio, for the purpose of supplying water for the Ohio canal, be and the same are hereby set apart and dedicated forever for the use of the public as a public park and pleasure resort to be known and designated as "North reservoir."

SECTION 2. The islands within said North reservoir shall be under the control and management of the state board of public works and the chief engineer of the public works and may be subdivided into such allotments as in the opinion of said board and the chief engineer will best serve the interest of the public, and may be leased for the term of fifteen years the same as state canal lands are now leased, and the revenues derived from such leases shall be credited to the "Portage Lakes" park fund, and the said North reservoir shall be considered as a part of said Portage Lakes.

SECTION 3. All acts heretofore passed and now in force and effect relating to state reservoirs dedicated as public parks and pleasure resorts, shall be in full force and effect as to said North reservoir.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 21, 1908.

ANDREW L. HARRIS,
Governor.
13L.

[Senate Bill No. 566.]

AN ACT

To authorize the board of education of Center township, Guernsey county, Ohio, to pay James C. Thompson money advanced by him for the construction and furnishing of a school building in said township.

WHEREAS, The board of education of Center township, Guernsey county, Ohio, deeming it necessary for the proper accommodation of the schools of Klondyke Mines in said township, county and state, to erect and furnish a school building at said place; and

WHEREAS, After the completion of said school building said board of education did not have in its building fund sufficient amount of money to pay for the erection and furnishing of said school building; and

WHEREAS, Said board of education, without authority of law borrowed from James C. Thompson on the 10th day of October, 1907, the sum of fourteen hundred dollars, which sum was expended in the payment of all bills for the construction and furnishing of said school building, therefore

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Center township, Guernsey county, Ohio, be and it is hereby authorized and directed to pay to the said James C. Thompson out of any funds under its control and not otherwise appropriated the sum of fourteen hundred dollars, with interest from the 10th day of October, 1907, and said board of education is further authorized and directed to make additional levy to that prescribed by law, if same be necessary to raise said amount.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and directed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said James C. Thompson, out of any funds under the control of said board of education of said township and not otherwise appropriated.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 21, 1908.
Approved April 22, 1908.

ANDREW L. HARRIS,
Governor.
14L.

[Senate Bill No. 529.]

AN ACT

To authorize the board of education of Twin township, Preble county, Ohio, to pay Edith I. Moots for services as teacher.

WHEREAS, By reason of the resignation on April 4, 1906, of the regular teacher of the public schools in District No. 1, in Twin township, Preble county, Ohio, Miss Edith I. Moots at the request of the board of education of said township, and under a contract duly entered into, taught said school to the entire satisfaction of said board of education and the patrons of said school during the remainder of said term, but was unable, until the fifth day of May, 1906, to obtain a certificate, from the board of county school examiners, and by reason thereof has received no compensation for her services from the 9th day of April to the 4th day of May inclusive, being twenty school days, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Twin township, Preble county, Ohio, be and they are hereby authorized and instructed to pay to said Edith I. Moots out of any funds under their control and not other-

wise appropriated, the sum of fifty dollars, being the sum due her for twenty days at fifty dollars per month, to-wit; beginning on April 9th and ending May 4th, 1906.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and instructed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Edith I. Moots out of any funds under the control of said board of education of said township and not otherwise appropriated.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 23, 1908.
Approved April 24, 1908.

ANDREW L. HARRIS,
Governor.
15L.

[House Bill No. 935.]

AN ACT

For the relief of Elmer E. Dougherty.

WHEREAS, Elmer E. Dougherty, late of Columbus, Ohio, while in the discharge of his duties as a guard at the Ohio penitentiary, on the 9th of September, 1905, was seriously and permanently injured without fault on his part, by the collapse of a platform erected in and on the wall of said institution at the west gate thereof, which platform said Elmer E. Dougherty was at the time using in the ordinary discharge of his duties, and

WHEREAS, By reason of the collapse of said platform said Elmer E. Dougherty fell a distance of about 25 feet to the ground and sustained a fracture of four ribs on the right side of his body, one of which penetrated the pleura of his right lung, causing a hemorrhage thereof, and suffered a displacement of his heart from its normal and proper position, and

WHEREAS, By reason of said injuries said Elmer E. Dougherty suffered enormous bodily pain and anguish, and has since suffered recurrent spells of dizziness caused immediately by the derangement of his heart and has been wholly unable to take up his duties as guard, or to do any kind of ordinary work or labor whatever, and

WHEREAS, Said injuries are such that he will never fully recover therefrom, and such as to greatly and permanently impair his bodily strength and activity, and his family is and has been in destitute circumstances because of said injuries; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated for this purpose, out of any moneys in the state treasury, to the credit of the general revenue fund not otherwise appropriated, the sum of twenty-five hundred dollars, which sum shall be in full payment and liquidation of the claim

of said Elmer E. Dougherty, for any and all injuries received by him as aforesaid. And the auditor of state is hereby authorized and directed to issue his warrant on the treasury to pay to said Elmer E. Dougherty the sum of twenty-five hundred ($2,500) dollars.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed April 27, 1908.
Approved April 27, 1908.

ANDREW L. HARRIS,
Governor.
16L.

[House Bill No. 963.]

AN ACT

To purchase additional land for state rifle range and camp ground and make same a state park for military purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of six thousand and six hundred dollars, for the purchase of additional land for the state rifle range and camp ground, said tract of land containing about 64 acres, adjoining said camp ground on the west and being the west half of the west half of the west half of section 21, Erie township, Ottawa county.

SECTION 2. The adjutant general is authorized to purchase or procure by appropriation and cause to be deeded to the state of Ohio, by good and sufficient deed, said tract of land as mentioned in section 1 of this act, and upon the issue of proper vouchers the state auditor shall issue warrants upon the treasury for such amounts as the adjutant general shall certify, not to exceed six thousand and six hundred dollars, for the purpose of carrying out the provisions of this act.

SECTION 3. That said lands mentioned in section 1 of this act, when so purchased and deeded to the state of Ohio, together with the lands now owned and occupied by the state of Ohio and the Ohio State Rifle Association, and described more particularly as follows to-wit: Situate in the state of Ohio, county of Ottawa and township of Erie, and commencing at the southeast corner of the west half of the northeast quarter of section 28, and running thence in the east line of the west half of said northeast quarter 2616 feet to the southeast corner of the west half of the southeast quarter of section 21 thence north seventy degrees east (N. 70 E.) about 1,125 feet to the shore of Lake Erie; thence northwesterly along said lake shore about 5,380 feet to the west line of the east half of the west half of the west half of said section 21; then south along said west line 3,834 feet to the south line of said section 21; thence east along said south line 662 feet to the west line of the east half of the northwest quarter of said section 28: thence south along said west line 2,625 feet to the south line of the north half of said section 28, thence east in said south

line 2,473 feet to the place of beginning, and containing in all about 488 acres of land, and the same is hereby dedicated and set apart forever as a state park for military purposes, the same to be known and designated as Camp Perry, in honor of Commodore Oliver Hazzard Perry and the great naval victory won by him September 10, 1813, near this park.

The sale of intoxicating liquors on the lands of this park belonging to the state of Ohio shall be forever prohibited.

SECTION 4. The adjutant general shall be the custodian of said park and lands, and is authorized to make such changes in existing roadways and improvements from time to time as the needs of the state and the exigencies of the service may require, and any and all improvements made upon the lands of said park, belonging to the state, from moneys received from any source whatever, shall become the property of the state of Ohio. And the adjutant general shall have power to prescribe and enforce such rules and police regulations, subject to statutory provisions, as he may deem necessary for the proper protection and safety of the public; and the adjutant general shall have the same power and control over the park herein provided for as the state board of public works, or the joint boards provided for by law now have over state lands, lakes and reservoirs.

Provided, however, that the county road now running through said premises shall not be closed until a new road is open on the west side of said Camp Perry leading to Lake Erie and connecting on the south with county road; nor shall the sewer drain running east and west through said premises to Lake Erie be closed until another sufficient outlet for drainage is provided on west side of said Camp Perry to Lake Erie.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 1, 1908.
Approved May 1, 1908.

ANDREW L. HARRIS,
Governor.
17L.

[Senate Bill No. 303.]

AN ACT

To establish a criminal court in the city of Canton, Stark county, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there shall be, and is hereby established in the city of Canton, Stark county, a criminal court held by a judge, which court shall be styled the criminal court and be a court of record, and shall have jurisdiction of any offense under any ordinance of the said city of Canton and of any misdemeanor committed within the limits of said city, to hear and finally determine the same and impose the prescribed penalty; but cases in which the accused is entitled to a trial by a jury, shall be so tried unless a jury be waived in writing by the accused.

SECTION 2. In felonies committed within the county the court shall have the power to hear the case and discharge, recognize or commit, and

if upon such hearing the court is of the opinion that the offense is only a misdemeanor and that the court may ascertain jurisdiction of it under the last section a plea of guilty of such misdemeanor may be received and sentence and judgment pronounced.

SECTION 3. The court shall have power to issue process, preserve order and punish contempts, summon and impanel jurors, grant new trials and motions in arrest of judgment, suspend execution of sentence upon notice of intention to apply for leave to file a petition in error, and such other powers as may be necessary for the exercise of the jurisdiction herein conferred, and the enforcement of the judgments and orders of the court.

SECTION 4. Prosecution for offenses against the laws of the state shall be brought and conducted in the name of the state and prosecutions for violations of city ordinances shall be brought and conducted in the name of the city of Canton, and in any case a new trial may be granted and for the same cause as in like cases in the court of common pleas.

SECTION 5. The court shall have power to compel the attendance of witnesses, jurors and parties; jurors shall have the qualifications and be subject to the challenges of those in court of common pleas in like cases; they shall be selected, summoned and impaneled in accordance with an ordinance of the council; or if no such ordinance is in force, in accordance with a rule of the court and they shall receive the same fees as are allowed jurors and witnesses in courts of justice of the peace; other fees shall be the same as before the justice of the peace in like cases.

SECTION 6. The criminal courts shall always be open for the transaction of business, but may adjourn from day to day or from time to time and shall be considered as holding monthly terms, each commencing on the first Monday of the month.

SECTION 7. The judge shall adopt such rules of practice and procedure as will give each party a proper statement of any charge against him and a full opportunity of being heard.

SECTION 8. The judge shall be elected by the electors of the city of Canton at the regular fall election in 1909 for a term of four (4) years; commencing on the first day of January next after his election. He shall be an elector of the city, and an attorney and counsellor at law, duly admitted and licensed to practice law in this state.

Any vacancy caused in said office by reason of death, removal, resignation or otherwise, shall be filled by the governor until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the first municipal election that occurs more than thirty days after the vacancy shall have happened.

SECTION 9. The bond and compensation of said judge shall be fixed by the council.

SECTION 10. The city solicitor of the city of Canton, Ohio, shall be the prosecuting attorney of said court.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

18L.

[Senate Bill No. 464.]

AN ACT

To authorize the board of county commissioners of Jefferson county, Ohio, to turn over certain trust funds to the Children's Bethel of Smithfield, Ohio, for the establishment of a home for the care of children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of county commissioners of Jefferson county, Ohio, be and the same is hereby authorized to turn over and pay to the Children's Bethel, located at Smithfield in said county, the sum of $14,273.98, being the amount, with accumulations of interest, realized from the sale of lands deeded to said county by one Annie H. G. Brown for the support of a children's home in said county, to be used by said the Children's Bethel in the establishment of a home for the support and education of needy and destitute children, under a contract between said board and said The Children's Bethel, securing the repayment of said fund, without interest, in case said The Children's Bethel should for any reason cease to exist or to be used as a children's home.

SECTION 2. That for the purpose of carrying out the powers conferred in section 1 of this act, said board of county commissioners is empowered to take a mortgage from said The Children's Bethel for the sum of $14,273.98, covering the real estate and buildings purchased and erected by it with said fund, conditioned that so long as the said The Children's Bethel shall maintain and support a home, at Smithfield in said county, for the support, care and education of the needy and destitute children, it may have the use of said trust fund of $14,273.98 aforesaid free and clear of any interest charge therefor, but that should said property covered by said mortgage ever cease to be used as a home for children as aforesaid, then said trust fund of $14,273.98 shall be repaid to the board of county commissioners and in default thereof, that said mortgage may be foreclosed and said property of said The Children's Bethel sold to repay said trust fund, and no statute of limitations shall be pleaded or interposed as a defense to the enforcement of said mortgage or the collection of said trust fund by said The Children's Bethel, its successors or assigns, and the waiver of the statute of limitations, on the part of said The Children's Bethel, shall and hereby is made one of the conditions for the transfer to it of said trust fund by said board of county commissioners.

SECTION 3. That upon the execution of the contract and mortgage embodying the conditions and limitations referred to in sections 1 and 2 of this act, said commissioners of Jefferson county, Ohio, are authorized to pay said trust fund of $14,273.98 to said The Children's Bethel for the purposes aforesaid and none other.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.

[Senate Bill No. 602.]

AN ACT

To authorize the board of education of Auglaize township, Allen county, Ohio, to pay Kate Turner for services as teacher.

WHEREAS, By reason of the resignation on March 4, 1907, of the regular teacher of the public schools in district No. 6 in Auglaize township, Allen county, Ohio, Miss Kate Turner at the request of the board of education of said township, and under a contract duly entered into, taught said school to the entire satisfaction of said board of education and the patrons of said school during the remainder of said term, but was unable, until after the 29th day of March, 1907, to obtain a certificate, from the board of county school examiners, and by reason thereof has received no compensation for her services from the 4th day of March to the 29th day of March inclusive, being twenty school days, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Auglaize township, Allen county, Ohio, be and they are hereby authorized and instructed to pay to said Kate Turner out of any funds under their control and not otherwise appropriated, the sum of forty-eight dollars, being the sum due her for twenty days at forty-eight dollars per month, to-wit: beginning March 4th and ending March 29th, 1907.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and instructed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Kate Turner out of any funds under the control of said board of education of said township and not otherwise appropriated.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
20L.

[Senate Bill No. 614.]

AN ACT

To authorize the village council and the board of education of the village of Milan, Erie county, Ohio, to pay to the heirs of Lucius L. Stoddard accrued interest.

WHEREAS, Lucius L. Stoddard, late of the village of Milan, Erie county, Ohio, advanced on orders duly issued during the years 1903, 1904 and 1905, by the board of education of the village of Milan, Erie county, Ohio, the sum of thirty-one hundred and seven dollars and thirty-three

cents to the village of Milan, Ohio, on orders duly issued during the years, 1903, 1904 and 1905, the sum of twelve hundred and eighty-two dollars and forty cents; and,

WHEREAS, The principal of said money so advanced was fully paid to said Lucius L. Stoddard during his life time, leaving unpaid thereon accrued interest as follows: On moneys advanced to the board of education of the village of Milan, Erie county, Ohio, the sum of four hundred and sixty-one dollars and fifty-seven cents; and on moneys advanced to the village of Milan, Ohio, accrued interest in the sum of one hundred and sixty-five dollars and thirty cents, respectively; and in all the sum of six hundred and twenty-six dollars and eighty-seven cents, the same being wholly unpaid.

WHEREAS, The state bureau of inspection being of opinion that there is no legal authority authorizing the payment of accrued interest hereinbefore set forth, to the heirs of the aforesaid Lucius L. Stoddard, without a special act of the general assembly, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of the village of Milan, Erie county, Ohio, be, and hereby is, authorized to pay to the heirs of the said Lucius L. Stoddard, the sum of four hundred and sixty-one dollars and fifty-seven cents, or so much thereof as may be necessary to pay the accrued interest charged against said board of education in full of all demands against said board of education, and that the village council of the village of Milan, Erie county, Ohio, be and hereby is authorized to pay to the heirs of said Lucius L. Stoddard the sum of one hundred and sixty-five dollars and thirty cents, or so much thereof as may be necessary to pay said accrued interest charged against the village council of the village of Milan, Erie county, Ohio; the same to be in full of all demands against said village.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
21L.

[Senate Bill No. 615.]

AN ACT

To authorize the governor to execute a deed for the conveyance of the lot and building owned by the state of Ohio situated on the grounds of the Jamestown Ter-Centennial Exposition Company in the state of Virginia and to provide for the custody of the same.

WHEREAS, The Ohio commission appointed pursuant to Joint Senate Resolution No. 18, adopted March 8th, 1906, has erected a building permanent in character on a lot of land situated on the grounds of the Jamestown Ter-Centennial Exposition Company in the state of Virginia, and,

WHEREAS, Said Ohio commission has secured for the state of Ohio a deed in fee simple to said lot of land, and,

WHEREAS, Said Ohio commission is without authority to execute a proper deed for the conveyance of the same,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of Ohio be and he is hereby authorized to execute and deliver a proper deed conveying the lot and building situated on the grounds of the Jamestown Ter-Centennial Exposition Company in the state of Virginia to such a purchaser as shall be secured by said Ohio commission to the Jamestown Ter-Centennial Exposition.

SECTION 2. That said Ohio commission shall have the care and custody of said building and lot until such time as the same shall be sold.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 9, 1908.

ANDREW L. HARRIS,
Governor.
22L.

[House Bill No. 1077.]

AN ACT

To authorize the governor of the state of Ohio to convey to the city of St. Marys, Ohio, a part of what is known as Chestnut street in St. Marys, Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The governor of the state of Ohio is hereby authorized, empowered and directed by and on behalf of the state of Ohio to convey to the city of St. Marys, Ohio, a perpetual easement for street and sidewalk purposes in the following described premises, to-wit:

Beginning at the northwest corner of lot number ten (10) of block number thirty-two (32) of the east addition to the city of St. Marys, Ohio, and running thence southerly along the westerly line of said lot ten (10) a distance of ninety-one (91) feet; thence westerly sixty-eight (68) feet, more or less, to a point in the easterly line, produced, of the Home Bank building that is seventy-three (73) feet south of the southerly line of Spring street, measured at right angles thereto; thence northerly along the easterly line of the Home Bank building seventy-three (73) feet to the south line of Spring street; thence easterly along the south line of Spring street sixty-three and eight-tenths (63.8) feet to the point of commencement; but no right or privilege herein granted shall in any way interfere with the maintenance or usefulness of either the canal, or the hydraulic raceway that flows across the tract of ground intended to be conveyed by this act, and if at any time the city of St. Marys shall cover over said hydraulic raceway it shall erect and maintain such superstructure in accordance with plans and specifications to be approved by the board of public works and the chief engineer, and said city shall main-

tain at its own expense the channel of said raceway beneath any superstructure, in good condition at all times, so that the water therein may flow unimpeded through such raceway. No work of improvement shall be commenced by the authorities of said city on the premises herein granted, until the plans and specifications therefor shall have been approved as herein specified.

SECTION 2. Whenever the council of said city, by a majority vote thereof, shall pass a resolution accepting the terms of this grant and assuming all responsibility for any damages that may result by reason of any changes and improvements that may be made by said city upon the property herein granted, a certified copy of which shall be filed with the governor, thereupon the governor, on behalf of the state, shall execute and deliver to said city of St. Marys a grant for the state property described in the first section of this act, for the uses and purposes before mentioned and upon the terms and conditions herein specified. The attorney general shall prepare the form of said grant.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Passed May 9, 1908.
Approved May 20, 1908.

ANDREW L. HARRIS,
Governor.

23L.

JOINT RESOLUTIONS

[Senate Joint Resolution No. 44.]

JOINT RESOLUTION

Providing that a committee be appointed on the part of the two houses to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of four on the part of the senate, and four on the part of the house, be appointed to wait upon the governor and inform him that the general assembly is now in session and ready to receive any communication which he may see fit to transmit.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 6, 1908.

1

[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

Poviding for the appointment of a committee on the part of both houses to arrange a memorial on the death of Governor John M. Pattison.

Be it resolved by the General Assembly of the State of Ohio:

That a committee consisting of five senators and five members of the house be appointed to arrange a memorial on the death of our honored and esteemed, late Governor Pattison.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 8, 1908.

2

[Senate Joint Resolution No. 46.]

JOINT RESOLUTION

Relating to the status of the present session of the legislature, and to the organization thereof.

WHEREAS, The present general assembly at the first regular session thereof adopted the following joint resolution, to-wit:

"Be it resolved by the General Assembly of the State of Ohio: That the present session of the 77th General Assembly of Ohio adjourn at 12 o'clock noon, Monday, April 2nd, 1906, to meet on the first Monday of January, 1908, at 10 o'clock a. m." and,

WHEREAS, The constitution of Ohio, by article 2, section 25, provides that "All regular sessions of the general assembly shall commence on the first Monday of January biennially, the first session under this constitution shall commence on the first Monday of January, 1852," and,

WHEREAS, Under said constitutional provision the general assembly is required to meet in regular session commencing on the day mentioned in said joint resolutions of adjournment, to-wit: the first Monday in January, 1908, therefore,

Be it resolved by the General Assembly of the State of Ohio: That the present session is and shall be considered for all intents and purposes, the second regular session of the 77th general assembly; and that all bills, resolutions and other matters pending in said general assembly at the time of adjournment of said first session shall in no wise be considered as pending before the present session of said general assembly, but all such bills, resolutions and other matters may be introduced in the present session without regard to any action taken thereon at said first session; and

Be it further resolved, that the officers and employes of the senate and house of representatives, having been properly chosen and employed at said former session, their tenure of office, or employment shall in no wise be affected, but they shall continue in their several offices and employments at the compensation formerly fixed, unless properly removed; and that all committees selected at said first session shall likewise be continued, unless said committees shall be regularly changed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 8, 1908.

[House Joint Resolution No. 62.]

JOINT RESOLUTION

Relative to printing 500 additional copies of House Bill No. 687.

Be it resolved by the General Assembly of the State of Ohio:

That five hundred additional copies of H. B. No. 687 be printed for the use of the members of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 15, 1908.

4

[House Joint Resolution No. 65.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio:

That when the house and senate adjourn on Wednesday, January 8th, 1908, it be until Monday, January 13th, 1908, at 5 o'clock, p. m.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 8, 1908.

5.

Senate Joint Resolution No. 52.

JOINT RESOLUTION

Relative to the printing of additional copies of Senate Bill No. 343 and House Bill No. 691.

Be it resolved by the General Assembly of the State of Ohio:

That there be printed 1,000 extra copies of Senate Bill No. 343 and that 300 additional copies of H. B. No. 691 be printed, all for the use of the members of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 16, 1908.

6

[House Joint Resolution No. 79.]

JOINT RESOLUTION

Relative to securing additional committee rooms.

WHEREAS, Historic flags and other valuable relics in the possession of the state are now displayed in rooms not readily accessible to the public and it may be that a more conspicuous place could be provided for them, and

WHEREAS, It may be that space in the state house is now occupied by persons, boards and institutions not eligible for the same, and

WHEREAS, Members of the general assembly are greatly impeded in the discharge of their duties by the lack of adequate committee rooms and other facilities; therefore

Be it resolved by the General Assembly of the State of Ohio:

That a committee of four be appointed, two by the president of the senate and two by the speaker of the house, of which committee at least one shall be a veteran of the civil war, which committee shall investigate the subject and make report to this general assembly of their findings with such recommendations looking to an improvement of existing conditions as they may determine upon.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 24, 1908.

7

[House Joint Resolution No. 84.]

JOINT RESOLUTION

Relative to inviting Wm. J. Bryan to address joint session of legislature.

WHEREAS, The subject of guaranteeing bank deposits is prominently before the people of the state and nation, at this time, and

WHEREAS, There is pending in the Ohio legislature bills upon this subject, in both the house and senate, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That Hon. William Jennings Bryan, be invited to address a joint session of the general assembly, in the hall of the house of representatives Tuesday, February 18, 1908, on the subject of "Guaranteeing Bank Deposits."

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 28, 1908.

8

[House Joint Resolution No. 82.]

JOINT RESOLUTION.

Arranging commemorative service on the anniversary of the birth of William McKinley.

WHEREAS, The 29th day of January being the anniversary of the birth of our late beloved president, William McKinley; and

WHEREAS, An observance of this anniversary would be a fitting tribute to the life and character of one of Ohio's most distinguished sons and would inspire us with the same spirit of patriotism; therefore

Be it resolved by the General Assembly of the State of Ohio:

That a committee of three on the part of the senate and three on the part of the house be appointed by the presiding officers of the respective bodies to arrange for an appropriate, commemorative service to be held in the hall of the house of representatives on the evening of January 29th.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 28, 1908.

9

[Senate Joint Resolution No. 56.]

JOINT RESOLUTION

Relative to the printing of additional copies of Senate Bill No. 345.

Be it resolved by the General Assembly of the State of Ohio:

That there be printed six hundred (600) extra copies of Senate Bill No. 345, for the use of the members of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 28, 1908.

10

[House Joint Resolution No. 77.]

JOINT RESOLUTION

To investigate the southern division of the Ohio canal.

Be it resolved by the General Assembly of the State of Ohio:

That a committee of two on the part of the house and two on the part of the senate be appointed to investigate the southern division of the

Ohio canal with a view to ascertaining how the money heretofore appropriated for said southern division of the Ohio canal has been expended and whether said appropriations should be continued and report to the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 30, 1908.

11

[House Joint Resolution No. 80.]

JOINT RESOLUTION

Relative to printing 17,000 sets of Howe's Historical Collections of Ohio.

WHEREAS, The state of Ohio, owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's Historical Collections of Ohio, centennial edition; and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the commissioners of public printing be and are hereby directed and authorized to contract for on behalf of the state, for the printing from said plates and engravings, etc., (17,000) seventeen thousand sets and binding thereof, in style and manner similar to and fully equal in quality as to binding, paper and workmanship to that furnished under House Joint Resolution No. 30, adopted March 19th, 1906, in sets of two volumes each, at a cost not to exceed one dollar per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following disposition and distribution made thereof: To the state library, for exchange (75) seventy-five sets; to the archæological society of Ohio, (75) seventy-five sets for exchange; to each member of the seventy-seventh general assembly (100) one hundred sets; and to the clerk and the sergeant-at-arms of the senate and to the clerk and sergeant-at-arms of the house of representatives (100) one hundred sets each; to each officer and clerk of said general assembly, and to each legislative correspondent, (1) one set; and the remaining to be sold by the secretary of state, at two dollars ($2) per set, and the proceeds paid into the state treasury to the credit of the general revenue fund.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted January 30, 1908.

12

[Senate Joint Resolution No. 55.]

JOINT RESOLUTION

To provide for the investigation of charges against members of the board of state school examiners and the state commissioner of common schools.

WHEREAS, It has been charged both on the floor of the senate and elsewhere, that there have been irregularities in the issuance of certificates by the board of state school examiners and in the office of school commissioner, and that cliques and organizations have existed or now exist for the improper influence of the selection of such school officials and other corrupt purposes, and such charges seriously involve the integrity of members of said board and of an important branch of the public school system, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That a joint select committee be appointed, consisting of three members of the senate, to be named by the president of the senate, and three members of the house of representatives, to be named by the speaker of the house, with full power and authority to investigate any claim or charge that certificates have been improperly or irregularly issued by said board; that members of said board have trafficked in such certificates or issued or promised to issue the same in consideration of receiving employment as lecturers before teachers' institutes, or on other improper grounds or consideration; or that they have used any undue means to secure such employment; that the selection of such school officials or the discharge of their duties is being or has been contributed or attempted by improper political influences or by coteries or cliques among those engaged in educational work, or any other corrupt or improper influence; and to investigate any other charges affecting said board or members thereof, or the said state commissioner of common schools, in their official capacity, which may be brought to the attention of said select committee; and further,

Resolved, That said committee shall have full power and authority to compel the attendance of witnesses, to send for and examine persons, papers and records with all other powers conferred by chapter 3, title 2 of the Revised Statutes of Ohio, upon such committees; and further,

Resolved, That said committee or a majority thereof, be authorized to employ counsel and stenographers and shall make written report of its findings, with a full transcript of the testimony taken by it, to the general assembly at its present session; and therewith shall report any recommendations for additional legislation which may seem desirable, and that the expense incurred by the committee shall be paid upon proper vouchers signed by the chairman of said committee.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 6, 1908.

[Senate Joint Resolution No. 58.]

JOINT RESOLUTION

Relative to printing additional copies of Senate Bill No. 394.

Be it resolved by the General Assembly of the State of Ohio:

That there be printed six (600) hundred extra copies of Senate Bill No. 394, also (600) six hundred copies each of House Bills Nos. 698, 833, and 1001, for the use of the members of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 6, 1908.

14

[Senate Joint Resolution No. 54.]

JOINT RESOLUTION

Relative to appointing a committee to investigate charges of corruption existing in the government of the city of Cincinnati, and the county of Hamilton.

WHEREAS, On February 7th, 1906, a committee of the senate was appointed to investigate charges of corruption existing in the government of the city of Cincinnati and the county of Hamilton, and on March 26th, 1906, the senate took further action directing said committee to sit after the adjournment of the session of the general assembly, and make its report to the senate not later than January 15th, 1908, and the general assembly, on March 1st, 1906, and on April 2d, 1906, made adequate appropriations for the use of said investigating committee and shortly after the adjournment of the last session of the general assembly, the sessions of the committee so appointed were brought to a close by a decision of the supreme court of Ohio which held that said committee was improperly constituted because it was appointed by but one branch of the general assembly;

WHEREAS, The members of the senate who conducted the investigation, during the short time in which they exercised their supposed powers disclosed many abuses existing in said city and county subversive of government by the people and the mandatory depositary law, passed at the last session of the general assembly, was the direct result of some of these disclosures and has saved the taxpayers of Ohio hundreds of thousands of dollars and said members of the senate have filed with the senate a report, which embodies recommendations designed to correct certain of the abuses that have been ascertained to exist and which recommends that a committee be appointed by both branches of the general assembly in accordance with the decision of the supreme court, to the end that such investigation may proceed and the intention of the general assembly be accomplished.

WHEREAS, It is charged that a limited circle, not invested with such power by the people now control, and for many years have to a great extent controlled the affairs of the city of Cincinnati and the county of

Hamilton, dominate nomination and appointment to public office and official conduct after election and appointment, not excepting the nomination and official conduct of judges, dominate public contracts, exact from persons in the public service a percentage of their salaries as consideration for nomination and retention in office and receive from persons and corporations money and other valuable considerations in return for favors bestowed, whereby the members of said limited circle have accumulated large fortunes at the expense of the taxpayers, and, to retain their power, have brought about wholesale false registration, colonization, repeating and other election frauds;

WHEREAS, It is charged that the board of trustees, commissioners of water works, of the city of Cincinnati has been dominated by the same influences and that the building of the water works has consumed more than twice as much time as was originally contemplated and has cost nearly twice as much money;

WHEREAS, It has been charged that certain persons and corporations have obtained from officials and official bodies valuable privileges, franchises and other advantages without adequate return to the public and that there have been other forms of misgovernment in said city and county;

WHEREAS, It is of the first importance that the general assembly should be fully informed as to the extent of these and other abuses, that, with the fullest possible information in its possession, it may be able so to repeal and amend existing laws, and enact such new laws, that the people of Cincinnati and Hamilton county and other cities and counties may be protected from like abuses and impositions in the future.

Be it resolved by the General Assembly of the State of Ohio:

That a select committee of three on the part of the senate, and three on the part of the house of representatives, be appointed, and such committee shall be appointed within ten days after the adoption of this resolution with full power to investigate all and singular the said matters and charges and all matters and things in any way pertaining thereto, and with full power to prosecute its inquiry in any and every direction in its judgment necessary and proper to enable it to obtain and report the facts in reference to said charges; and,

Be it further Resolved, That said committee or a majority thereof be and it is hereby authorized to employ one or more stenographers, and one or more counsel, and such other assistants as it may deem necessary for the proper conduct of the investigation herein directed; and shall have the power to compel the production before it of any books and records, letters or documentary evidence of any character, which in the judgment of the committee or a majority thereof pertains to any matter or thing under investigation, and wherever found; and also to compel the attendance of any witnesses. Said committee may hold its meetings in any place designated by it in the state of Ohio. Any member or members of the committee, and its counsel and other assistants, shall have access at all times during the life of the committee to all books, records, papers and other documents on file in the offices of the various departments of the said city and county. Said committee or a majority thereof shall exercise and enjoy all the powers, privileges and authority of a legislative committee, with full power to enforce its directions and mandates as provided for by the laws of Ohio governing such matters; and,

Be it further Resolved, That said committee make report to the

general assembly at its present session, or if the general assembly shall have adjourned, then to the governor to be by him transmitted to the general assembly at the next session thereof, of its proceedings with full transcript of the testimony taken by it, together with its findings in writing with such recommendations for further legislation and amendment to existing legislation as the disclosures of said committee may warrant; and that the expense incurred by the committee shall be paid upon proper vouchers signed by the chairman of said committee.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 14, 1908.

15

[Senate Joint Resolution No. 63.]

JOINT RESOLUTION

Providing for the appointment of a joint committee to consider reports from the codifying commission.

Be it resolved by the General Assembly of the State of Ohio:

That a joint committee consisting of three members on the part of the senate and three members on the part of the house, be appointed by the president of the senate and the speaker of the house, respectively, to which shall be referred all reports and bills presented by the state codifying commission.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 14, 1908.

16

[Senate Joint Resolution No. 64.]

JOINT RESOLUTION

Relating to printing additional copies of Senate Bill 419.

Be it resolved by the General Assembly of the State of Ohio:

That five hundred additional copies of Senate Bill 419 be printed for the use of members and committees.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 14, 1908.

17

[House Joint Resolution No. 87.]

JOINT RESOLUTION

Relative to admission on floor of house upon the occasion of the address of Hon. W. J. Bryan.

Be it resolved by the General Assembly of the State of Ohio:

That the following rules for admission to the hall of house of representatives on the occasion of the address of Hon. W. J. Bryan, Feb. 18, 1908, be observed:

First. Admission upon the floor of the house shall be only in accordance with the house rule for regular sessions, except that heads and chief clerk of state departments shall be admitted.

Second. Admission to the galleries shall be by card only, the number of cards issued shall equal the number of seats and no more. One-quarter of the cards for gallery seats of each of the three galleries shall be given to the president of the senate for the use of the members of the senate and three-quarters shall be given to the speaker of the house for the use of the members of the house.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 13, 1908.

18

[House Joint Resolution No. 88.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio:

That when the senate and house of representatives adjourn on February 7th, 1908, it be to the regular time of convening on February 12th, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 13, 1908.

19

[House Joint Resolution No. 94.]

JOINT RESOLUTION

Requesting our senators and representatives in congress to support the bill of Hon. B. G. Dawes, relative to pensions.

Be it resolved by the General Assembly of the State of Ohio:

That we respectfully ask our senators and representatives in the congress of the United States to enact the bill now before congress, intro-

duced by Hon. B. G. Dawes of Ohio, known as the Volunteer Retired List, which gives the same pay as that given to the retired officers of the regular army, deducting therefrom any pension they may now receive, but in no case to exceed that of a captain of cavalry.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 17, 1908.

20

[Senate Joint Resolution No. 62.]

JOINT RESOLUTION

Providing for the appointment of a committee to investigate certain charges reflecting upon the management of the Ohio penitentiary.

WHEREAS, Charges have been made in certain newspapers reflecting upon the management of the Ohio penitentiary, which if true seem to demand on the part of the general assembly remedial legislation; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That a committee of three on the part of the senate, to be named by the president of the senate, and three on the part of the house, to be named by the speaker of the house, with power and authority to investigate such charges; and be it further

Resolved, That said committee shall have power and authority to compel the attendance of witnesses, to examine persons, records and papers. They may, if found necessary, employ counsel and a stenographer and shall make a written report of its findings to the general assembly by March 25, 1908, together with any recommendations for legislation in connection therewith, as they may deem wise.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 24, 1908.

21

[House Joint Resolution No. 85.]

JOINT RESOLUTION

Relative to complying with the request of the governor of Maryland to return flag captured by the 123rd Ohio from the 1st Maryland battery.

WHEREAS, A request has been made by the governor of Maryland to the governor of Ohio for the return of the flag captured by the 123rd

Ohio from the 1st Maryland battery, at Hatcher's Run, April 2, 1865; and,

WHEREAS, The survivors of the 123rd Ohio are in favor of the return of this flag to the state of Maryland, as requested; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the governor of Ohio is hereby authorized and empowered to withdraw from the relic room of the capitol building and deliver to the governor of Maryland, the flag of the 1st Maryland battery, as requested.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 28, 1908. 22.

[House Joint Resolution No. 97.]

JOINT RESOLUTION

Relative to the battle of Lake Erie.

WHEREAS, The Battle of Lake Erie, near Put-in-Bay Island on September 10th, 1813, was one of the memorable conflicts in the history of our nation, and the victory there won by the naval forces under Commodore Oliver Hazard Perry has ever since been a pride and inspiration to the American people; and

WHEREAS, The citizens of Put-in-Bay Island have taken the necessary steps to fittingly observe the one hundredth anniversary of the battle of Lake Erie by a suitable exposition and naval display during the year 1913; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That we deem it appropriate to observe the centennial anniversary of the battle of Lake Erie in the manner proposed by the citizens of Put-in-Bay Island, and we heartily endorse the proposed centennial celebration of said battle to be held at Put-in-Bay and the waters surrounding the island in the year 1913.

The governor is hereby authorized to appoint five commissioners, whose duty it shall be to co-operate with the citizens of Put-in-Bay in preparing and carrying out plans and intention for said proposed centennial celebration. Said commission shall serve without pay or compensation of any kind, nor shall the state of Ohio be obligated to pay any expenses by them incurred. The commission shall make a report from time to time to the governor of its proceedings.

Resolved, That the national and state governments and the American people at large be cordially invited to participate and take part in said centennial celebration of the battle of Lake Erie.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted February 28, 1908.

23

[Senate Joint Resolution No. 57.]

JOINT RESOLUTION

Asking Congress to provide for a national bureau of health.

WHEREAS, The health of the nation is of paramount importance, and "Our national health is physically our greatest national asset" (President Roosevelt), and

WHEREAS, In the growth of nations it inevitably happens that the people are massed in large centers, thereby, if uncontrolled, creating unsanitary conditions destructive of life and health, and

WHEREAS, Such conditions can be removed and prevented only by the intelligent care and oversight of public health officials endowed with broad powers and necessary means for action, and

WHEREAS, In the prevention of disease by the enforcement of health measures by local officials in both urban and rural districts adequate results can be obtained only when such measures are soundly based upon well substantiated facts and observations in relation to sanitation and hygiene, and

WHEREAS, The United States government, in ways impossible for the state and municipality, may gather information and conduct research work to determine the causes of disease and the best measures for their prevention, and by co-operation with state and local authorities may promote the health of all the people, and

WHEREAS, The president, in his Provincetown speech, expressed the hope "That there will be legislation increasing the power of the national government to deal with certain matters concerning the health of our people everywhere"; therefore

Be it resolved by the General Assembly of the State of Ohio:

That the congress of the United States be, and it is hereby memorialized and urged to create and establish a national bureau of health, and endow it with power and funds commensurate with the highly important duties with which it will necessarily be entrusted; and

Be it further resolved, That the senators and members of the house of representatives from Ohio, in the congress of the United States, be, and they are hereby requested to urge congress to adopt such legislation as may be necessary to secure the establishment of said proposed bureau of health.

Resolved, That the secretary of the state of Ohio, transmit immediately upon the passage of this resolution, a copy thereof to the senate, and the house of representatives of the United States, and to each of the representatives of Ohio therein.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted March 5, 1908.

[House Joint Resolution No. 98.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of House Bill 1152.

Be it resolved by the General Assembly of the State of Ohio:

That 1,000 additional copies of H. B. 1152 be printed for the use of the members of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted March 5, 1908.

25

[Senate Joint Resolution No. 59.]

JOINT RESOLUTION

Requesting the governor of the state of Connecticut to turn over to the Western Reserve Historical Society for safe keeping, certain papers and documents.

WHEREAS, The Western Reserve Historical Society, a duly incorporated organization of the state of Ohio, well equipped with a large, commodious fire-proof building, vaults and other means for safe-guarding relics, papers and documents pertaining to the Western Reserve Historical Society; and,

WHEREAS, The said society has from time to time accumulated from the descendants of the agents of the original Connecticut Land Company and from various other sources a great mass of documents and papers pertaining to the said land company and its occupancy of the western reserve; and,

WHEREAS, There is yet in the possession of the state of Connecticut a large number of papers and documents pertaining to this land company which we feel should be on the reserve, as they are of more vital interest to those living on the reserve than they can be to the state of Connecticut; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That we would respectfully ask that the governor of the state of Connecticut turn over to the Western Reserve Historical Society for safe keeping, such papers and documents as belonged to the Connecticut Land Company, and which do not belong to the category of papers that are considered state papers and which should rightly be preserved by the state. The papers desired consist of special land commissions, minutes of the Connecticut Land Company, deeds, mortgages and leases and also documents pertaining to the commissioner of schools, which cover the lands located on the reserve.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted March 5, 1908.

26

[Senate Joint Resolution No. 53.]

JOINT RESOLUTION

To amend section two of article twelve of the constitution of Ohio.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That a proposition shall be submitted to the electors of the state of Ohio, on the first Tuesday after the first Monday in November, 1908, to amend section two of article twelve of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

FINANCE AND TAXATION.

Sec. 2. The general assembly shall have power to establish and maintain an equitable system for raising state and local revenue. It may classify the subjects of taxation so far as their differences justify the same in order to secure a just return from each. All taxes and other charges shall be imposed for public purposes only and shall be just to each subject. The power of taxation shall never be surrendered, suspended or contracted away. Bonds of the state of Ohio, bonds of any city, village, hamlet, county or township in this state and bonds issued in behalf of the public schools of Ohio and the means of instruction in connection therewith, burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SECTION 2. All taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, unless and until otherwise directed by statute.

JOSEPH D. CHAMBERLIAN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted March 27, 1908.

27.

[Senate Joint Resolution No. 60.]

JOINT RESOLUTION

To authorize the governor and secretary of state to re-convey to the board of trade of the city of Newark, Ohio, certain property in Licking county, donated as a site for permanent encampment grounds.

WHEREAS, On the 3rd day of December, 1891, the citizens of Licking county, Ohio, purchased from the owners thereof, about one hundred and forty acres of land in Newark township, Licking county, Ohio, west

of the corporate limits of said city of Newark, Ohio, and conveyed the same to the state, upon the condition that the same was to be used and occupied by the state as a permanent state encampment ground for the encampment of the state militia of the state of Ohio, and that said deeds, by direction of the board of trade of the city of Newark, Ohio, were made direct from the owners to the state of Ohio; and,

WHEREAS, Each of said deeds contained the following provision, to-wit: "That said premises are hereby conveyed to said state of Ohio, to be used and occupied by it as a permanent encampment ground for the national guard of Ohio, or the organized militia thereof, as is contemplated in an act of the general assembly of the state of Ohio, entitled, "An act providing for a permanent encampment ground for the Ohio national guard, passed May 4th, 1891, and which is conditioned that should the state of Ohio abandon said premises as such permanent encampment grounds, then said premises shall pass to and revert to the board of trade of said city of Newark, Ohio, its successors and assigns forever." And,

WHEREAS, Said lands so conveyed included the largest, best preserved, most distinct and interesting group of ancient earthworks to be found anywhere in the country; and,

WHEREAS, Said lands have been abandoned and ceased to be occupied as a permanent encampment ground for the national guard of Ohio, or the organized militia thereof, and are going to waste; and,

WHEREAS, The state has purchased other sites for the encampment of its state militia and there is no purpose or intention to use and occupy said lands as contemplated by said act and by said deeds and agreement as a permanent encampment ground for said state militia; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the governor and secretary of said state be and they are hereby authorized and directed to re-convey the said premises to the board of trade of the city of Newark, Ohio, in fee simple and surrender possession thereof to said board of trade, on or before the 1st day of October, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 6, 1908.

28

[Senate Joint Resolution No. 61.]

JOINT RESOLUTION

For the appointment of a joint committee for the purpose of investigating into the number of publications printed for the various departments of the state of Ohio.

Be it resolved by the General Assembly of the State of Ohio:

That a joint committee of two members of the senate and two members of the house be appointed by the president of the senate and the speaker of the house for the purpose of investigating into the number of publications printed for the various departments of the state of Ohio, as to the feasibility of biennial reports of some of the institutions of

Ohio, as well as the cost of such printing, and of reporting to the governor as to any reductions in the number and amount of such printing with the aim of effecting such economy as may be possible in this respect.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

29

[Senate Joint Resolution No. 79.]

JOINT RESOLUTION

Providing for an extension of time under Senate Joint Resolution No. 62.

Be it resolved by the General Assembly of the State of Ohio:

That the time within which the committee appointed under Senate Joint Resolution No. 62 may make their report, is extended until April 15th, 1908.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

30

[House Joint Resolution No. 89.]

JOINT RESOLUTION

To provide for the transfer of the control and management of certain lands, the control of which is now vested in the Ohio canal commission, to the control of board of trustees of the Columbus state hospital.

WHEREAS, The state of Ohio is the owner of the following described lands, to-wit: Being situated in the township of Franklin, county of Franklin, and state of Ohio, and beginning at the Nelson Foos double lime-kiln on the south bank of the Scioto river, thence south 60 degrees east, passing an iron stake on river bank and running 35 chains to an iron stake, from which stake a white oak 24 inches in diameter, bears north 82½ degrees east 58 links distant; also a sugar tree 22 inches in diameter, bears north 28¾ degrees east 32 links distant to their centers; thence south 82 degrees east to 10.75 chains to an iron stake, from which stake the southeast corner of gas and coal house bears north 64 degrees west 118½ links distant; thence north 60 degrees east, 10.26 chains to an iron stake; thence north 21 degrees west, passing an iron stake in the south property line of the Little Miami railroad and a square-cut stone with a hole in it as the north property line of said railroad, and also passing an iron stake at both the north and south property lines of the C., S. & C. R. R., and running 28.47 chains to an iron stake on the Scioto

river, and near to and in line with a cut limestone with a hole in it 1.15 chains before reaching low-water mark; thence up said river north 61 degrees west, 2.82 north, 68½ degrees west, 6.85 north 75½ west, 4.25 chains to the beginning, containing 54.20 acres of land, and being a part of survey No. 2668 of the Virginia military district, and in Franklin township, Franklin county, Ohio; now, therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the authority heretofore granted to the Ohio canal commission authorizing and empowering said commission to appraise and lease said lands, by a joint resolution adopted April 25, 1893, be and the same is hereby revoked, and the control and management of said tract of land is hereby vested in the board of trustees of the Columbus state hospital for the use and benefit of said institution, the same as the other lands connected with said institution are now controlled by said board. There is excepted from the above described land a tract containing one and three-hundredths acres conveyed to John Murnane by the state of Ohio, December 9, 1893; also the rights of way across the same, as occupied by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, the Toledo & Ohio Central Railway Company, and the Little Miami Railroad Company; likewise so much of said tract as is in the actual use and occupancy by the trustees of the institution for feeble-minded youth, which shall remain under the control of said trustees for the benefit of said institution. There is also excepted from the above described tract of land any portions of the same now under lease, until the expiration of the terms for which said leases were granted, at which time said leased tracts shall pass under the control and management of the trustees of said Columbus state hospital and be used for the benefit of said institution the same as the other lands herein transferred.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

31

[House Joint Resolution No. 101.]

JOINT RESOLUTION

Expressing to the citizens of Collinwood the sincere sympathy of the general assembly of Ohio in the calamity which resulted in the death of many children.

Be it resolved by the General Assembly of the State of Ohio:

That the general assembly hereby expresses to the citizens of Collinwood its sincere sympathy in the great calamity that has befallen them. The state of Ohio joins with the bereaved parents in mourning the unfortunate death of their little ones.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

32

[House Joint Resolution No. 102.]

JOINT RESOLUTION

Requesting the Hon. Myron T. Herrick to address the general assembly on the subject, "The Guaranty of Bank Depositors."

Be it resolved by the General Assembly of the State of Ohio:

That the Hon. Myron T. Herrick be requested to address the general assembly at 10:00 o'clock in the forenoon of March 12th, 1908, on the subject "The Guaranty of Bank Depositors;" and

Resolved, That for that occasion the provisions of House Joint Resolution No. 87 be in force.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

33

[House Joint Resolution No. 108.]

JOINT RESOLUTION

Authorizing the adjutant general to loan battle flags to the executive committee of the 42nd national encampment Grand Army of the Republic, at Toledo, O.

WHEREAS, The 42nd national encampment of the Grand Army of the Republic is to be held in the city of Toledo, Ohio, in the months of August and September, 1908; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That the adjutant general of the state is hereby instructed and authorized to loan to the executive committee of said encampment, for the above named occasion, such number of battle flags now on exhibition in the relic room of the capitol building at Columbus, as may in his judgment be in such condition as to safely permit of their being handled and transported, and to accord to said executive committee such other assistance and privileges as shall not materially conflict with the preservation of the public property of the state; provided further, that said property shall be taken and returned without expense to the state of Ohio, which expense shall include the employment of a person (to be selected by the adjutant general of the state) who shall accompany said flags and have charge of the same. And provided further, that none of said flags shall on such occasion be unfurled or taken out of the nettings in which they are now preserved.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

34

[House Joint Resolution No. 109.]

JOINT RESOLUTION

Assenting to the purpose of an act of congress for increased appropriations for agricultural experiment stations and providing for the control and expenditure of such appropriations.

WHEREAS, The congress of the United States of America has passed an act, approved March sixteenth, nineteen hundred and six, to provide for an increased annual appropriation for the agricultural experiment stations established under the provisions of an act of congress, approved March second, eighteen hundred and eighty-seven; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That assent is hereby given to the purposes of said act of congress, approved March sixteenth, nineteen hundred and six, and that the moneys thereby appropriated to the state of Ohio be expended and controlled by the board of control of the Ohio agricultural experiment station, in conformity with the regulations prescribed by said act of congress.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

35

[House Joint Resolution No. 115.]

JOINT RESOLUTION

Relative to an investigation of the Ohio penitentiary.

WHEREAS, The joint committee of the seventy-seventh general assembly of Ohio, appointed under Senate Joint Resolution No. 62 to investigate newspaper charges against the Ohio penitentiary finds that its powers are limited to the examination of such charges, and that it lacks the power to make that full and complete investigation of penitentiary management that is necessary to suggest proper remedial legislation.

Be it resolved by the General Assembly of the State of Ohio:

That said joint committee as heretofore appointed, be and is hereby authorized and directed to make an investigation of the Ohio penitentiary in all its departments, and to give consideration to the general subject of penitentiary management, discipline and convict employment; to procure or send for all reports, recommendations, or other papers relating to said subjects; to send for or to subpœna any or all persons having information in regard to any of said subjects and in its discretion to afford a full opportunity to any and all persons interested in the said subjects, to appear and be heard before it; and,

Be it further resolved, That said committee be and is hereby authorized to sit at such times and places as it deems proper, to employ such

counsel, stenographers, and to incur such expenses as it may deem necessary for the purpose of making a thorough and complete investigation, and for suggesting remedial legislation relating to prison management, discipline, convict employment and the substitution for the present contract labor system, the public use labor system, or penitentiary form system; and,

Be it further resolved, That said committee be directed to complete its hearing and investigation on or before July 1st, 1908, and to file a report of its findings, recommendations and suggested remedial legislation with the governor of Ohio, on or before August 1st, 1908, and that said report be published, and a copy of the same be furnished to each member of the seventy-eighth general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 8, 1908.

36

[House Joint Resolution No. 116.]

JOINT RESOLUTION

Relative to printing 300 copies of report of select committee appointed under House Joint Resolution No. 79.

Be it resolved by the General Assembly of the State of Ohio:

That three hundred copies of the report of the select committee appointed under House Joint Resolution No. 79 be printed for the use of the general assembly.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 9, 1908.

37

[House Joint Resolution No. 118.]

JOINT RESOLUTION

Relative to admission to the hall of the house on the occasion of the address by Hon. J. B. Foraker.

Be it resolved by the General Assembly of the State of Ohio:

That the following rules for admission to the hall of house of representatives on the occasion of the address of Hon. J. B. Foraker, April 22nd, 1908, be observed:

First—Admission upon the floor of the house shall be only in accordance with the house rule for regular sessions, except that heads and chief clerks of state departments shall be admitted.

Second—Admission to the galleries shall be by card only, the number of cards issued shall equal the number of seats and no more. One-quarter of the cards for gallery seats of each of the three galleries shall be given to the president of the senate for the use of the members of the senate and three-quarters shall be given to the speaker of the house for the use of the members of the house.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 21, 1908.

38

[Senate Joint Resolution No. 86.]

JOINT RESOLUTION

Inviting Senator Joseph B. Foraker to address the general assembly.

Be it resolved by the General Assembly of the State of Ohio:

That Senator Joseph B. Foraker is hereby invited to address the 77th general assembly on Wednesday, April 22nd, 1908, at 10 o'clock in the forenoon in the hall of the house of representatives on the proposed primary election law as embodied in House Bill No. 720.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 21, 1908.

39

[Senate Joint Resolution No. 89.]

JOINT RESOLUTION

Inviting Senator Foraker to address the general assembly.

WHEREAS, By S. J. R. No. 86, Senator Joseph B. Foraker was invited to address the general assembly on Wednesday, April 22, on proposed primary election legislation; and on communicating with him it has been learned that it will be inconvenient for him to accept such invitation on the 22nd, but that he probably could visit the general assembly on April 23rd; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That Senator Foraker is hereby cordially invited to address the

general assembly on Thursday, April 23rd, 1908, at 10 o'clock a. m., in the hall of the house of representatives on such subject as he may desire.

JOSEPH D. CHAMBERLAIN,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 21, 1908.

40

[House Joint Resolution No. 86.]

JOINT RESOLUTION

Providing for a commission to recommend measures to prevent the pollution of the Ohio river, and requesting the legislatures of the states of Pennsylvania, West Virginia, Indiana and Kentucky to co-operate by appointing similar commissions.

WHEREAS, The Ohio river is known to be polluted by the sewage and other deleterious waste matters from municipalities in the states of Ohio, Pennsylvania, West Virginia, Indiana and Kentucky; and

WHEREAS, Many communities in each of said states depend, and must necessarily continue to depend, upon the Ohio river as their only source of public water supply; and

WHEREAS, The pollution of said river has already reached the point where the health of the inhabitants of Ohio river cities and towns is seriously jeopardized thereby; and

WHEREAS, Such pollution must inevitably increase unless proper measures to prevent it are promptly taken; and

WHEREAS, The protection of the Ohio river against dangerous contamination is possible only by the joint action of the legislatures of the several states affected thereby; therefore

Be it resolved by the General Assembly of the State of Ohio:

That the governor of the state of Ohio appoint a commission of three persons, who shall serve without compensation, but whose actual and necessary expenses shall be paid, said commission to investigate the condition of the Ohio river, as regards its pollution, and report to the governor with recommendations for such legislative action as they may deem wise and necessary.

That the governor of the state of Ohio request the governors of the states of Pennsylvania, West Virginia, Indiana and Kentucky to appoint a similar commission for their respective states to confer and act with the Ohio commission, and with one another, to the end that a plan may be recommended whereby the several states interested may jointly protect the Ohio river against sewage and other pollution.

Provided that no expense shall be incurred unless one or more of

the states invited to participate in this investigation shall appoint a commission for that purpose, and provided further that all disbursements shall be under the control, and subject to the approval of the governor.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 29, 1908.

41

[Senate Joint Resolution No. 87.]

JOINT RESOLUTION

Relating to adjournment.

Be it resolved by the General Assembly of the State of Ohio:

That when the senate and house of representatives adjourn on May 1st, 1908, it be to meet May 9th, 1908, at 10 o'clock a. m.; and that the 77th general assembly second regular session, adjourn sine die on May 9th, 1908, at 4 o'clock p. m.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted April 30, 1908.

42

[Senate Joint Resolution No. 72.]

Authorizing the state printer to print 3,000 copies of the report of the inspector of the Ohio Co-operative Topographic Survey.

Be it resolved by the General Assembly of the State of Ohio:

That the state printer is hereby authorized and directed to print, as soon as practicable, three thousand copies of the report of the inspector of the Ohio co-operative topographic survey, comprising that information hitherto gathered by the survey and not published in map form, and covering the work of the survey from its inception to January 1, 1908, and that such copies be bound in English buckram, in accordance with the recommendation of the state supervisor of public printing.

That when said report is printed and bound, as aforesaid, the following disposition and distribution shall be made thereof: To each member of the seventy-seventh general assembly, five (5) copies; to the state library, for exchange, one hundred (100) copies; to the governor or his representative on said survey, one hundred (100) copies; and the remaining copies shall be deposited with the secretary of state for future distribution; pro-

vided, however, that not more than fifteen hundred (1500) copies, including the copies to be distributed as aforesaid, shall be distributed within the first year after the publication thereof.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted May 9, 1908.

43

[Senate Joint Resolution No. 76.]

JOINT RESOLUTION

Providing compensation for surviving members of citizen soldiers known as "Squirrel Hunters" during the civil war.

WHEREAS, On September 2, 1862, a call for men was issued by Governor Tod, in defence of Ohio homes and property from an attack by an invading army; and,

WHEREAS, Many citizens responded thereto, thus performing service of value to the state; and,

WHEREAS, On March 4, 1863, the general assembly of the state of Ohio adopted the following resolution, to-wit:

"*Resolved by the Senate and House of Representatives of the State of Ohio*: That the governor be, and he is hereby authorized and directed to appropriate out of his contingent fund a sufficient sum to pay for printing and lithographing discharges for the patriotic men of the state, who responded to the call of the governor and went to our southern border to repel the invaders, and who will be known in history as the 'Squirrel Hunters.'"

In obedience thereto the governor issued his certificate as follows:

"I do most cheerfully herewith enclose a certificate of your service. But for the gallant services of yourself and the other members of the corps of patriotic 'Squirrel Hunters,' rendered in September last, Ohio, our dear state, would have been invaded by a band of pirates determined to overthrow the best government on earth, our wives and children would have been violated and murdered, and our homes plundered and sacked. Your children, and your children's children will be proud to know that you were one of this glorious band. Preserve the certificate of service and discharge herewith enclosed to you as evidence of this gallantry. The rebellion is not yet crushed out, and therefore the discharge may not be final. Keep the old gun then in order. See that the powder horn and bullet pouch are supplied, and caution your patriotic mothers or wives to be at all times prepared to furnish you a few days cooked rations so that if your services are called for (which may God in His infinite goodness forbid) you may again prove yourselves "Minute Men" and again protect our loved homes.

Invoking God's choicest blessings upon yourself and all who are dear to you,

I am, very truly yours,

DAVID TOD,
Governor."

AND WHEREAS, No financial recompense has ever been allotted to these men, known as "Citizen Soldiers"; and,

WHEREAS, In their declining years many of the persons who thus responded to the call of the governor are unable to actively engage in the pursuits of life, while some are in want; therefore,

Be it resolved by the General Assembly of the State of Ohio:

That an amount equal to one month's pay of militia at the time of their service, being the sum of $13, be set apart and apportioned to each surviving member who responded to this call and whose names are so recorded in the files of the adjutant general's office of the state; and,

Be it further resolved, That the identity of such surviving persons shall be established, either by the captain of their companies, if living, and if not, then by any two surviving members of their companies, or by the sworn statements of any two reputable citizens of the community in which they now live; which statements shall be sworn to by each person making application under this resolution, as well as by the witnesses thereto; and,

Be it further resolved, That application blanks, carrying out the provisions of this resolution shall be provided by the commissioner of soldiers' claims of Ohio. Upon the presentation of such certificates, duly witnessed and sworn to, the auditor of state shall draw his warrant upon the treasurer of state in favor of such payment for said sum of $13, to be paid from an appropriation provided for such purpose.

The provisions of this resolution shall not apply to any regiment or organization which may later have been mustered in to the service of the United States and received compensation for such services rendered.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted May 9, 1908.

44

[Senate Joint Resolution No. 90.]

JOINT RESOLUTION

Relative to the enrollment of Senate Bill No. 610 in typewritten form.

WHEREAS, Necessity has arisen for the prompt enrollment of Senate Bill No. 610 by Mr. Rose, entitled, "An act to amend sections 3691-25, 3691-27 and 3692 of the Revised Statutes of Ohio, and to provide for the reorganization of the Ohio state board of agriculture," therefore

Be it resolved, That said bill be enrolled in typewritten form.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted May 9, 1908.

45

[House Joint Resolution No. 96.]

JOINT RESOLUTION

Relative to election of United States senators by popular vote.

WHEREAS, a large number of the state legislatures have, at various times adopted memorials and resolutions in favor of the election of United States senators by direct vote of the people of the respective states; and

WHEREAS, the national house of representatives has, on several different occasions in recent years, adopted resolutions in favor of the proposed change in the method of electing United States senators which were not adopted by the senate; therefore,

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That the legislature of the state of Ohio in accordance with the provisions of article 5 of the constitution of the United States, desires to join with the other states of the Union to respectfully request that a convention of the several states be called for the purpose of proposing amendments to the constitution of the United States and hereby apply to and request the congress of the United States to call such convention and to provide for submitting to the several states the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by congress.

SECTION 2. That at said convention the state of Ohio will propose, among other amendments, that section 3, of article 1 of the constitution of the United States should be amended to read as follows:

"The senate of the United States shall be composed of two senators from each state, chosen by the electors thereof, as the governor is chosen, for six years; and each senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise the governor may make temporary appointments until the next regular election in such state. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall, not, when elected, be an elector of the state for which he shall be chosen. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided. The senate shall choose their own officers, and a president pro tempore, in the absence of the vice-president or when he shall exercise the office of the president of the United States."

SECTION 3. A legislative commission is hereby created to be composed of the governor, and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as the senatorial direct election commission of the state of Ohio. It shall be the duty of said leigslative commission to urge action by the legislatures of the several states and by the congress of the United States to the end that a convention may be called as provided in section one hereof. The members of said commission shall receive no compensation.

SECTION 4. That the governor of the state of Ohio is hereby directed forthwith to transmit certified copies of this joint resolution and application to

Both houses of the United States congress,

To the governor of each state in the Union, and
To each of our representatives and senators in congress.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted May 9, 1908.

46

[House Joint Resolution No. 119.]

JOINT RESOLUTION

Relative to investigating Cleveland and Cuyahoga county.

WHEREAS, The charges of misgovernment and political domination in the city of Cleveland, and the county of Cuyahoga, which have been current throughout the state for several years and repeated frequently upon the floor of both houses of the general assembly, have culminated within the last ten days in a disgraceful exposure of the conduct of the president of the board of public service of that city who is reported in the newspapers to have taken ten thousand dollars in currency from the bank of which the mayor of said city is president, and wagered it in a wrestling match, which was not only unlawful in itself but was corruptly fixed and designed to defraud and cheat those induced to wager thereon by methods common to similar bunco games; and

WHEREAS, It is charged that the said president of the board of public service, in attempting to conceal his identity and avoid arrest, registered under an assumed name in the city of Cleveland; and,

WHEREAS, These charges have been notorious in said city for ten days and no action has been taken by the mayor thereof to remove the president of the board of public service or to bring him to answer the charges made in the newspapers of such city, but, on the contrary, he is reported to have publicly defended him in his scandalous conduct; and

WHEREAS, It is charged that one M. F. Bramley, a contractor in the city of Cleveland, who is under indictment in the city of Columbus in connection with paving contracts in said city of Columbus, has become the bondsman of the said president of the board of public service, and, while it is unknown what consideration exists for such service, still the fact remains that the said Bramley is, and for several years has been, a contractor for the public work for the city of Cleveland, and it has been charged that he has used inferior materials in the construction of streets and other public work to the great loss of the citizens of Cleveland; and

WHEREAS, The foregoing charges constitute but one instance in a long category of charges and reports of the misconduct of public officials and the arbitrary and unlawful management of affairs in said city and county, among which charges are the following:

First, That the laws with respect to gambling and the liquor traffic have been notoriously violated and the violators have been protected by the police department or prosecuted as would best serve the political ends of the mayor of said city.

Second, That gross favoritism has been shown in the granting of

franchises to corporations in such city favored by the mayor and in which the mayor or his friends have been financially interested, a recent and flagrant example of which was the granting of franchises over twenty-six miles of streets at a single sitting of council, under suspension of the rules, without notice to the people, and within one day after the passage of the so-called Schmidt bill, by the present general assembly; which bill, it was charged on the floor of the general assembly, was passed by the votes of members of this general assembly, some of whom are financially interested in the street railroad corporation so favored.

Third, That perpetual franchises of great value, among them one to a gas company owned by the Standard Oil Company, and one to a belt line railroad in which a coterie of local politicians are interested, have been granted without any compensation whatever to the city and without any adequate safeguard of the interests of the citizens.

Fourth, That large sums of public moneys have been unlawfully expended and that gross irregularities and misapplication of public funds exist in various offices in said city and county.

Fifth, That all political power in the city of Cleveland and county of Cuyahoga, has been and is now exercised, and all public affairs therein have been and now are dominated by one man, who now and for several years has controlled nominations to public offices, not excepting the nomination of judges; exacted from persons in public service a percentage of their salaries as political assessments; crowded the pay rolls with useless employes and it is rumored that in some instances he has even required and held the resignation of public officials as a condition of their appointment and as a means of controlling their official conduct; and

WHEREAS, It is charged that the bonded indebtedness of said city, during the administration of said man has been increased from about fourteen million dollars ($14,000,000) to about twenty-eight million dollars ($28,000,000), and

WHEREAS, It is of the first importance that the general assembly should be fully informed as to the extent of these and other abuses, that, with the fullest possible information in its possession, it may be able to so repeal and amend existing laws, and enact such new laws, that the people of Cleveland and Cuyahoga county, and other cities and counties, may be protected from like abuses and impositions in the future; therefore

Be it resolved by the General Assembly of the State of Ohio:

That a select committee of three republicans on the part of the house of representatives and three democrats on the part of the senate, no member of which shall be a resident of the county of Cuyahoga or a member of any other investigating committee be appointed, with full power to investigate all and singular of the said matters and charges, and all matters and charges in any way pertaining thereto and with full power to prosecute its inquiry in every other direction in its judgment necessary and proper to enable it to obtain and report the facts in reference to said charges; and

Be it further resolved, That said committee, or a majority thereof, be and it is hereby authorized to employ one or more stenographers and one or more counsel and such other assistants as it may deem necessary for the proper conduct of the investigation herein directed; and shall have power to compel the production before it of any books and records, letters or documentary evidence of any character, which, in the judgment of the committee, or the majority thereof, pertains to any matters or thing under investigation and wherever found; and also to compel the

attendance of any witnesses. Said committee may hold its meetings at any place designated by it in the state of Ohio. Any member or members of the committee and its counsel and other assistants shall have access at all times during the life of the committee to all books, records, papers and other documents on file in the offices of the various departments of said city and county, and of any other city and county in the state, and said committee may compel the production before it of the books and records of any corporation, firm, partnership or individual that has now or has had in the past any contract with the city of Cleveland or county of Cuyahoga, or any department of either, as well as the books, papers, stock list and other records of any and every corporation exercising a public franchise, banking institution, or other business enterprise, in which it is known or may be ascertained that members of this general assembly or public officers of the city of Cleveland or county of Cuyahoga, are interested, either as counsel, officers, stockholders or otherwise. Said committee shall exercise and enjoy all the power, privileges and authority of a legislative committee, with full power to enforce its directions and mandates, as provided for by the laws of Ohio governing such matters; and

Be it further resolved, That said committee make report of its proceedings to the present general assembly, or to any adjourned session, or, if this general assembly shall finally adjourn, then to the governor, to be by him transmitted to the succeeding general assembly, with such recommendation for further legislation and amendments to existing legislation as the disclosures of said committee may warrant, and said committee is hereby expressly authorized to continue its sessions after the adjournment of the present session of the general assembly and until the term of the members thereof has expired; and

Be it further resolved, That the expenses incurred by said committee be paid upon proper vouchers signed by the chairman of said committee.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President of the Senate.

Adopted May 9, 1908.

STATE OF OHIO,

OFFICE OF THE SECRETARY OF STATE.

I, CARMI A. THOMPSON, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-seventh general assembly of the state of Ohio, at its second regular session, begun January 6, 1908, and ended May 9, 1908, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 15th day of June, A. D., 1908.

CARMI A. THOMPSON,
Secretary of State.

[Seal.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1908.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-division	Courts of Common Pleas.
Adams	West Union	4	Mar. 31, Nov. 11	7	3	Feb. 17, June 8, Nov. 16.
Allen	Lima	3	Apr. 14, Nov. 10	3	1	Jan. 13, Apr. 20, Sept. 28.
Ashland	Ashland	5	May 5, Nov. 10	6	2	Feb. 10, May 11, Oct. 19.
Ashtabula	Jefferson	7	Jan. 20, Sept. 7	9	3	Jan. 6, Apr. 13, Sept. 21.
Athens	Athens	4	Jan. 28, Oct. 6	7	1	Feb. 17, May 11, Oct. 26.
Auglaize	Wapakoneta	3	Apr. 28, Nov. 17	3	1	Feb. 24, May 18, Nov. 2.
Belmont	St. Clairsville	7	May 11, Dec. 7	8	2	Jan. 7, Apr. 7, Sept. 15.
Brown	Georgetown	4	Apr. 7, Nov. 17	5	1	Jan. 27, Apr. 27, Oct. 26
Butler	Hamilton	1	Apr. 6, Oct. 5	2	1	Jan. 6, May 4, Oct. 5.
Carroll	Carrollton	7	Apr. 6, Nov. 4	9	1	Jan. 6, May 4, Sept. 14.
Champaign	Urbana	2	Apr. 27, Nov. 16	2	2	Jan. 6, May 4, Oct. 5.
Clark	Springfield	2	May 18, Dec. 7	2	2	Jan. 6, May 4, Oct. 5.
Clermont	Batavia	1	Apr. 1, Oct. 1	5	1	Jan. 7, Apr. 14, Oct. 20.
Clinton	Wilmington	1	Apr. 27, Oct. 26	2	3	Jan. 6, Apr. 13, Oct. 12.
Columbiana	Lisbon	7	Mar 30, Oct. 26	9	1	Jan. 13, Apr. 13, Sept. 28.
Coshocton	Coshocton	5	May 12, Oct. 27	6	3	Mar. 2, June 1, Oct. 5.
Crawford	Bucyrus	3	Jan. 28, Sept. 22	10	2	Jan. 6, May 4, Sept. 7.
Cuyahoga	Cleveland	8	Jan. 6, Oct. 12	4	3	Jan. 6, Apr. 6, July 6, Sept 21
Darke	Greenville	2	May 4, Nov 23	2	2	Jan. 6, Apr. 27, Oct. 5.
Defiance	Defiance	3	Mar. 17, Oct. 20	3	3	Jan. 27, May 4, Oct. 26.
Delaware	Delaware	5	June 9, Dec. 15	6	1	Jan. 6, Apr. 6, Sept. 21.
Erie	Sandusky	6	Apr. 6, Se, t. 7	4	1	Jan. 6, Apr. 6, Sept. 14.
Fairfield	Lancaster	5	Jan. 7, Sept. 16	7	2	Jan. 13 Apr. 20, Oct. 26.
Fayette	Washington C. H.	2	May 11, Nov. 30	5	2	Feb. 3, Apr. 13, Sept. 14.
Franklin	Columbus	2	Jan. 6, Sept. 21	5	3	Jan. 6, Apr. 13, Sept. 14.
Fulton	Wauseon	6	May 20, Oct. 14	3	3	Jan. 6, Apr. 6, Sept. 21.
Gallia	Gallipolis	4	Feb. 25, Oct. 22	7	2	Jan. 9, Apr. 13, Sept. 28.
Geauga	Chardon	7	Feb 10, Sept. 21	9	3	Jan. 6, Apr. 6, Sept. 14.
Greene	Xenia	2	Apr. 6, Oct. 26	2	3	Jan. 6, May 4, Oct. 5.
Guernsey	Cambridge	7	Apr. 13, Nov. 9	8	1	Feb. 3, May 4, Oct. 12.
Hamilton	Cincinnati	1	Jan. 6, Nov. 2	1		1st Mon.Jan.,Apr.,July & Oct.
Hancock	Findlay	3	May 19, Dec. 8	10	1	Feb. 3, May 4, Sept. 14.
Hardin	Kenton	3	Feb. 18, Oct. 1	10	1	Jan. 6, Mar. 30, Sept. 14.
Harrison	Cadis	7	May 4, Nov. 30	8	3	Feb. 17, May 11, Oct. 26.
Henry	Napoleon	3	Mar. 3, Oct. 13	3	2	Mar. 2, June 1, Nov. 23.
Highland	Hillsboro	4	Apr. 21, Nov. 24	5	2	Feb. 3, Apr. 20, Oct. 12.
Hocking	Logan	4	Feb. 4, Oct. 13	7	2	Jan. 6, Mar. 30, Oct. 5.
Holmes	Millersburg	5	May 26, Nov. 3	6	3	Jan. 7, May 5, Sept. 8.
Huron	Norwalk	6	Apr. 13, Sept. 14	4	1	Jan. 6, Apr. 6, Sept. 21.
Jackson	Jackson	4	June 2, Dec. 17	7	3	Jan. 27, May 4, Sept. 21.
Jefferson	Steubenville	7	May 18, Dec. 14	8	3	Jan. 6, Apr. 6, Sept. 14.
Knox	Mt. Vernon	5	Mar. 3, Nov. 6	6	1	Feb. 10, May 4, Nov. 2.
Lake	Painesville	7	Feb. 3, Sept. 16	9	3	Feb. 10, May 11, Oct. 19.
Lawrence	Ironton	4	Mar. 3, Oct. 27	7	3	Jan. 6, Apr. 6, Sept. 7.
Licking	Newark	5	Mar. 17, Oct. 13	6	1	Jan. 6, Apr. 6, Sept. 14.
Logan	Bellefontaine	3	Feb. 25, Oct. 6	10	3	Feb. 10, May 4, Oct 19.
Lorain	Elyria	8	Apr 20, Sept. 21	4	2	Jan. 6, Apr. 6, Sept. 28.
Lucas	Toledo	6	Jan. 6, Oct. 19	4	1	Jan. 6, Apr. 6, Sept. 21.
Madison	London	2	Apr. 13, Nov. 2	5	2	Feb. 17, Apr. 20, Nov. 16.
Mahoning	Youngstown	7	Mar. 2, Oct 12	9	2	Jan. 6, May 4, Sept. 14.
Marion	Marion	3	Jan. 14, Sept. 15	10	2	Jan. 6, May 4, Sept. 7.
Medina	Medina	8	Apr. 30, Sept 16	4	2	Jan. 6, Apr. 6, Sept. 28.
Meigs	Pomeroy	4	Feb. 18, Oct. 20	7	2	Feb. 3, May 11, Oct. 12.
Mercer	Celina	3	May 5, Nov. 24	3	1	Jan. 20, Apr. 6, Oct. 5.
Miami	Troy	2	Apr. 20, Nov. 9	2	2	Jan. 6, Apr. 27, Oct. 5
Monroe	Woodsfield	7	Apr. 27, Nov. 23	7	1	Jan. 6, May 5, Sept. 21
Montgomery	Dayton	2	May 25, Dec. 14	2	3	Jan. 6, Apr. 6, Oct. 5.
Morgan	McConnelsville	5	Apr. 21, Nov. 24	8	1	Jan. 7, Apr. 7, Oct 6.
Morrow	Mt. Gilead	5	June 2, Dec. 8	6	2	Jan. 21, Apr. 14, Oct. 6.
Muskingum	Zanesville	5	Apr. 7, Oct. 20	8	1	Jan. 6, Apr. 6, Oct. 5.
Noble	Caldwell	7	Apr. 20, Nov. 16	8	1	Jan. 6, Apr. 6, Sept. 14.
Ottawa	Port Clinton	6	Apr. 27, Sept. 28	4	1	Apr. 13, June 8, Nov. 9.
Paulding	Paulding	3	Mar. 10, Oct. 15	3	3	Jan. 13, Apr. 13, Sept. 28.
Perry	New Lexington	5	Apr. 28, Nov 17	7	1	Feb. 3, May 11, Nov. 9.
Pickaway	Circleville	4	Apr. 28, Dec. 1	5	2	Jan. 6, Apr. 6, Oct. 26.
Pike	Waverly	4	May 26, Dec. 15	7	3	Mar. 16, June 1, Nov. 16.
Portage	Ravenna	7	Feb. 24, Oct. 5	9	2	Jan. 6, Apr. 6, Sept. 7
Preble	Eaton	2	Apr. 30, Nov. 19	2	2	Jan. 6, May 4, Oct. 5.
Putnam	Ottawa	3	Mar. 24, Oct. 27	3	2	Jan. 27, Apr. 27, Oct. 12.
Richland	Mansfield	5	Jan. 14, Sept. 8	6	2	Feb. 17, Sept. 21, Dec. 7.
Ross	Chillicothe	4	May 12, Dec. 8	5	2	Jan. 6, Apr 13, Oct. 5.
Sandusky	Fremont	6	Apr. 20, Sept. 21	4	1	Jan. 6, Apr. 6, Sept. 14.
Scioto	Portsmouth	4	Mar. 17, Nov. 4	7	3	Jan. 7, Apr. 6, Sept 7.
Seneca	Tiffin	3	May 12, Dec. 1	10	1	Jan. 6, Mar. 30, Oct. 19.
Shelby	Sidney	2	Apr. 16, Nov. 5	3	1	Jan. 6, Apr. 6, Sept. 28.
Stark	Canton	5	Feb. 11, Sept. 29	9	1	Jan. 6, May 4, Sept. 14.

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Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Sub-division	Courts of Common Pleas.
Summit	Akron	8	Apr. 6, Sept. 28.....	4	2	Jan. 13, Apr. 20, Sept. 28.
Trumbull ...	Warren.....	7	Feb. 17, Sept. 28....	9	2	Jan. 27, May 4, Oct. 5
Tuscarawas .	New Philadelphia.	5	May 19, Dec. 1.....	8	3	Jan. 2, Mar. 16, Sept. 8.
Union.....	Marysville.....	3	Feb. 11, Sept. 29....	10	3	Jan. 6, Mar. 30, Sept. 14.
Van Wert...	Van Wert.....	3	Apr. 7, Nov. 4.....	3	3	Jan. 27, May 4, Nov 9.
Vinton.....	McArthur.....	4	Feb. 11, Oct 15....	7	2	Feb. 24, May 11, Nov. 16
Warren.....	Lebanon	1	Apr. 20, Oct. 19....	2	3	Jan. 6, Apr. 6, Oct 5.
Washington.	Marietta	4	Jan. 14, Sept. 29....	7	1	Jan. 7, Apr. 7, Oct. 13.
Wayne.....	Wooster.....	5	Feb. 4, Sept. 22.....	6	3	Jan. 6, Apr. 20, Sept. 7
Williams....	Bryan	6	May 18, Oct. 12....	3	3	Feb. 17, May 25, Nov. 9.
Wood	Bowling Green....	6	May 4, Oct. 5.....	10	1	Jan. 6, May 4, Sept. 14
Wyandot....	Upper Sandusky .	3	Jan 7, Sept. 8.....	10	2	Feb 10, Apr. 6, Oct 12.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CARMI A. THOMPSON, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1908, taken from the official lists returned by the judges of said Courts to this office.

WITNESS my hand and official seal, this Twenty-fourth day of October, A. D. 1907.

[SEAL]

CARMI A. THOMPSON,
Secretary of State.

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